

## CHAIRPERSON'S STATEMENT

---

It is my privilege to present the Annual Report of the Competition Commission of India (CCI) for the year 2010-11.

The year under review was significant for the Commission from many perspectives. The Commission was able to make considerable progress in the enforcement of the Competition Act, 2002, backed by a team of talented professionals, recruited and trained during the year. During the period, 71 Informations were filed with the Commission by individuals, associations and business entities alleging infringement of the provisions related with anti-competitive agreements and abuse of dominant position of the Act. In addition, 5 cases were taken up proactively by the Commission on *suo moto* basis in sectors such as Sugar, Agriculture and Chemicals etc. in view of their implications for the common man. After forming the *prima facie* opinion, the Commission directed the Director General to undertake investigation in 44 cases. By the end of the year, the investigation process was completed for 68 cases (including cases referred in previous year). The Commission has also ordered for closure of those cases where in its opinion, no *prima facie* infringement of the Act was found.

Some of the decisions of the Commission were challenged in the appellate authority and were further scrutinized by the Hon'ble Supreme Court. I am glad to inform that Hon'ble Supreme Court upheld the stand of the Commission in a landmark judgment in Civil Appeal No. 7999 of 2010. Hon'ble Supreme Court, in this judgment, pronounced guidelines on several issues relating to enforcement of the Competition Act.

The provisions relating to Regulation of Combinations (Section 5 & 6) were notified on March 4, 2011 and have become effective from 1<sup>st</sup> June 2011. With these notifications, the Commission has been empowered to enforce all the provisions of the Act.

During the year 2010-11, amendments were made in the Competition Commission of India (General) Regulations and new regulations were notified for recovery of monetary penalty. This was in addition to the six Regulations notified earlier under Section 64 of the Competition Act to facilitate the working of the Commission. The Regulations finalized during the year 2010-11 are as follows:

- The Competition Commission of India (Manner of Recovery of Monetary Penalty) Regulations, 2010.
- Competition Commission of India (General) Amendment Regulations, 2010.
- Competition Commission of India (General) Amendment Regulations, 2011.

The Commission is continuously striving to achieve the goals of deepening competition in the Indian market and its multifarious benefits including increase in productivity, innovations and efficient allocation of resources. These lead to maximization of producers' surplus as well as consumers' surplus, and provide wider choice along with improvement in quality of goods and services for the benefits of the common man (*aam admi*).

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 about the benefits of competition is therefore imperative to secure the will of the stakeholders to abide by the law. Section 49 of the Competition Act mandates the Commission to promote competition culture by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness about the benefits of competition. Various stakeholders including the consumers are to be made familiar with the concept and the provisions of the law. The Commission has taken up the work of advocacy in right earnest and has tried to reach out to all the stakeholders including the consumers, students, industrial organizations, legal practitioners etc. through various seminars, workshops and symposiums to make them aware of the need and beneficial role of the competition in the interest of stakeholders.

The Commission is also conducting in-house market research and sectoral studies to examine the competitive dynamics in various sectors and to identify the structural or behavioural bottlenecks to competition, if any. Presently, the Commission is working on a few areas viz. Agriculture, Paper and Steel industries.

The Commission has recognized the importance of having skilled manpower in the successful enforcement of the competition law. All the recruitments are being made in a transparent and competitive manner with the help of an independent agency. The newly recruited officers were imparted a structured induction training, followed by advanced training programmes on various focused issues with the help of international agencies like European Union Commission, United States Federal Trade Commission, OECD Korea Policy Center etc.

I earnestly hope that the Commission's endeavor in removing all the impediments in the ways of freedom of trade and its efforts in eliminating anti-competitive practices causing harm to consumers will start giving results in the form of accelerated growth of economy and paving the way for inclusive growth results in the form of accelerated growth of economy and paving the way for inclusive growth.

*“The main objective of the Competition Law is to promote economic efficiencies using competition as one of the means of assisting the creation of market responsive to consumer preferences.”*

*Judgment by the Hon'ble Supreme Court in Civil Appeal No. 7999 of 2010  
pronounced on 9th September, 2010*

# Contents

CHAIRPERSON'S STATEMENT	i
A. INTRODUCTION	1
1. OBJECTIVES	2
2. IMPORTANT ACHIEVEMENTS	3
3. THE YEAR IN REVIEW	4
B. INVESTIGATIONS AND INQUIRIES ORDERED BY THE COMMISSION	13
1. INVESTIGATION AND INQUIRY RELATING TO SECTIONS 3, 4 AND 42 OF THE ACT	13
2. INVESTIGATIONS AND ENQUIRIES UNDERTAKEN BY DIRECTOR GENERAL	15
C. ORDERS PASSED BY THE COMMISSION	16
D. EXECUTION OF ORDERS OF COMMISSION AND PENALTIES	17
E. APPEALS	18
1. APPEALS FILED AGAINST COMMISSION'S ORDERS	18
2. APPEALS ALLOWED BY THE APPELLATE TRIBUNAL	18
3. APPEALS DISALLOWED BY THE APPELLATE TRIBUNAL	18
4. BRIEF WRITE-UP ON THE APPEALS DECIDED BY THE APPELLATE TRIBUNAL	19
F. COMBINATION MATTERS – FUNCTIONAL STRUCTURE	20
G. REFERENCES FROM CENTRAL GOVERNMENT OR STATE GOVERNMENTS	22
H. REFERENCES FROM AND TO THE STATUTORY AUTHORITIES	23
I. COMPETITION ADVOCACY	24
J. ADMINISTRATION AND ESTABLISHMENT MATTERS	32
1. REPORT OF THE SECRETARY	32
2. COMPOSITION OF THE COMMISSION	33
3. MEETINGS OF THE COMMISSION	34
4. DETAILS OF CHAIRPERSON OR MEMBERS APPOINTED IN THE YEAR AND MEMBERS WHO DEMITTED OFFICE, ALONG WITH REASONS FOR DEMITTING OFFICE, IN THE YEAR:	34
5. ORGANIZATIONAL STRUCTURE	34
6. INFORMATION ON PERSONNEL IN THE COMMISSION, CATEGORY-WISE	35
7. EXPERTS AND PROFESSIONALS ENGAGED UNDER SECTION 17(3) AND EXPERTS CALLED UPON UNDER SECTION 36 (3)	40
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	40
9. EMPLOYEE WELFARE MEASURE, IF ANY, BEYOND THE REGULAR TERMS AND CONDITIONS OF EMPLOYMENT, UNDERTAKEN BY THE COMMISSION	40

K.	BUDGET AND ACCOUNTS	41
1.	BUDGET ESTIMATES AND REVISED ESTIMATES UNDER BROAD CATEGORIES	41
2.	RECEIPTS UNDER BROAD CATEGORIES IN THE COMPETITION FUND ESTABLISHED UNDER SUB-SECTION (1) OF SECTION 51 OF THE ACT	41
3.	ACTUAL EXPENDITURE UNDER BROAD CATEGORIES	42
4.	BALANCE AVAILABLE IN THE COMPETITION FUND ESTABLISHED UNDER SUB-SECTION (1) OF SECTION 51 OF THE ACT	42
L.	INTERNATIONAL CO-OPERATION	43
1.	BRIEF NOTES ON MEMORANDUMS OR ARRANGEMENTS SIGNED BY THE COMMISSION WITH AGENCIES OF FOREIGN COUNTRIES	43
2.	BRIEF NOTES ON OVERSEAS PROJECTS UNDERTAKEN BY THE COMMISSION	43
3.	DETAILS OF THE MEMBERSHIPS OF INTERNATIONAL ORGANIZATIONS	43
4.	DETAILS OF INTERNATIONAL DELEGATIONS RECEIVED BY THE COMMISSION FROM FOREIGN GOVERNMENTS, FOREIGN COMPETITION AUTHORITIES, MULTILATERAL INSTITUTIONS AND OTHERS INCLUDING THE PURPOSE OF THE DELEGATION AND THE OUTCOME	45
5.	FOREIGN VISITS UNDERTAKEN BY COMMISSION'S CHAIRPERSON OR MEMBERS OR OFFICIALS INCLUDING THE PURPOSE AND OUTCOME	46
6.	OTHERS	46
M.	CAPACITY BUILDING	50
1.	TRAINING IN INDIA	50
2.	TRAININGS & INTERNSHIP OUTSIDE INDIA	51
3.	TRAININGS IN INDIA (DETAILS)	52
4.	TRAININGS & INTERNSHIPS OUTSIDE INDIA (DETAILS)	59
N.	ONGOING PROGRAMMES	62
O.	RIGHT TO INFORMATION ACT, 2005	63

## A. INTRODUCTION

---

Liberalization, privatization and globalization have resulted in higher growth rates for the Indian economy. Sustenance of the growth momentum, however, calls for more investment and innovation, prompted by vibrant, consumer-friendly and dynamic markets. With the enactment of the Competition Act, 2002 and the establishment of Competition Commission of India, the institutional framework to support healthy and fair competition is now in place. 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 preventing abuse of market power and dominance in the Indian Economy.

The Competition Commission of India has been established to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto.

*“It is unacceptable to obstruct the forces of competition from having freer play. It is even more distressing in a country where the poor are severely affected by rising commodity prices.”*

*-Dr. Manmohan Singh  
Hon'ble Prime Minister*

## 1. Objectives

While discharging its duties, the Commission 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.



*“Competition is essential for imbibing the culture of innovation and development of better technology... Competition coupled with expansion is required for realizing true potential of the people.”*

*-Dr. M. Veerappa Moily*

*Hon'ble Minister of Corporate Affairs, Government of India*

## 2. Important Achievements

During the year, the Commission received total 71 Informations under Section 19(1)(a) of the Competition Act, 2002. In addition, 5 Suo Moto cases were initiated under Section 19 of the Act. After forming prima facie opinion, the Commission ordered Director General (DG), CCI for investigation in 44 cases. Further, during this period, in 47 cases no violation or contravention was found, and these cases were closed under Section 26(2) of the Competition Act. Apart from the above, 50 other cases received on transfer from Director General of Investigation and Registration (DGIR) / Monopolies and Restrictive Trade Practices Commission (MRTPC) under Section 66 of Competition Act were also considered by the Commission, and investigation in 22 of those cases was ordered. DG Office has submitted investigation reports in 66 cases in the financial year 2010-2011 with a disposal rate of 80.5%.

A number of advocacy programmes were organized, such as National Conference on “Competition Regime: Benefitting the Consumers” (jointly with Department of Consumer Affairs and CUTS) on 20<sup>th</sup> October 2010, conference on “Public Procurement: Achieving Value through Competition” (jointly with SCOPE) on 8<sup>th</sup> December 2010 etc. The programmes received participation from industry, trade associations, consumer associations, policy makers and other stakeholders.

A study commissioned by CCI on “Competition Law and Indian Pharmaceuticals Industry” was completed and submitted by Center for Trade and Development, New Delhi in August, 2010. Further, a number of in-house studies pertaining to sectors such as Agriculture, Tyre, Cement, Steel, Trade Association, Stock Markets etc. were undertaken.

A structured induction training programme for the newly recruited officers and advanced training programmes on various focused issues with international subject experts from EU competition authority, US FTC, American Bar Association, OECD Korea Policy Center etc. were organized as part of the Commission's capacity building initiatives.

## 3. The Year in Review

### (i) Landmark Decisions

a) Judgment by Hon'ble Supreme Court pronounced on 9th September 2010, in JSPL vs. SAIL Case No. 11/2009 before CCI, (Civil Appeal No. 7779/2010 CCI vs. SAIL)

In this case, Hon'ble Supreme Court has inter alia held as under:

- i. An appeal shall lie only against such directions, decisions or orders passed by the Commission before the Tribunal which have been specifically stated under the provisions of Section 53(A)(1)(a). The orders, which have not been specifically made appealable, cannot be treated appealable by implication e.g. taking a prima facie view and issuing a direction to the Director General for investigation would not be an order appealable under Section 53A.
- ii. Neither any statutory duty is cast on the Commission to issue notice or grant hearing, nor any party claim, as a matter of right, notice and/or hearing at the stage of formation of opinion by the Commission, in terms of Section 26(1) of the Act that a prima facie case exists for issuance of a direction to the Director General to cause an investigation to be made into the matter.
- iii. The Commission, in cases where the inquiry has been initiated by the Commission suo moto, shall be a necessary party and in all other cases the Commission, being expert body, shall be a proper party in the proceedings before the Tribunal for complete adjudication, effective and expeditious disposal of matters.
- iv. During an inquiry and where the Commission is satisfied that the act is in contravention of the provisions stated in Section 33 of the Act, it may issue an order temporarily restraining the party from carrying on such act, until the conclusion of such inquiry or until further orders without giving notice to such party, where it deems it necessary.
- v. In consonance with the settled principles of administrative jurisprudence, the Commission is expected to record at least some reason even while forming a prima facie view.

Further, Hon'ble Supreme Court also gave certain directions for expeditious investigations and enquiries so as to achieve the objectives of the Act and keeping the legislative intent in mind which are as follows:

- i. It is expected of the Commission to hold its meetings and record its opinion about existence or otherwise of a prima facie case within a period much shorter than the stated period of 15 days to hold its first ordinary meeting to consider whether prima facie case exists or not and 60 days for formation of opinion in that regard.
- ii. All proceedings, including investigation and inquiry should be completed by the Commission/Director General most expeditiously and while ensuring that the time taken in completion of such proceedings does not adversely affect any of the parties as well as the open market in purposeful implementation of the provisions of the Act.
- iii. Wherever during the course of inquiry the Commission exercises its jurisdiction to pass interim



orders, it should pass a final order in that behalf as expeditiously as possible and in any case not later than 60 days.

*b) Amir Khan Productions Private Limited v. Union of India, W.P. No. 358 of 2010 decided on 18.08.2010 by Hon'ble High Court of Bombay.*

In this case, the Hon'ble High Court held as follows:

- i. It was held that mere issuance of show cause notice under Section 26(8)/Section 27, like issuance of a charge-sheet in a departmental inquiry, cannot be treated as pre-judging the issue, merely because the petitioners had raised some of the legal contentions in the replies to the notice issued by the DG and thereafter also the Commission has issued show cause notices. That can never mean that the Commission will not consider the petitioners objections against maintainability of the proceedings.
- ii. The Court granted liberty to the petitioners to raise all available contentions, including preliminary objection against legality or otherwise of initiation of the proceedings against the petitioners.

Every tribunal has the jurisdiction to determine the existence or otherwise of the jurisdictional fact, unless the statute establishing the Tribunal provides otherwise. On a bare reading of the provisions of the Competition Act, 2002, it is clear that the Competition Commission has the jurisdiction to determine whether the preliminary state of facts (on which the further exercise of its jurisdiction depends) exists. There is nothing in the Competition Act, 2002 to indicate that the Competition Commission is not invested with the jurisdiction to determine such jurisdictional fact.

*c) Interglobal Aviation Ltd. vs. Secretary CCI WP No. 6805/2010 before Delhi High Court decided on 06.10.2010*

The basic issue in these Writ Petitions was that the CCI has no jurisdiction to deal with these matters because these were the matters pending before the erstwhile MRTP Commission as the same were referred by the MRTP Commission to DG (I&R) for merely preliminary investigation under Section 11(1) of MRTP Act. It was the case of petitioners that Section 66(6) of the Competition Act (CA) was meant to cover only such cases where DG (I&R) took suo-motto notice under Section 11(2) of MRTP Act and investigations were incomplete at the time of repeal of MRTP Act.

Hon'ble Court held that there is nothing in the language of Section 66(6) of CA to suggest this. The resultant position is that all investigations and proceedings which were pending before DG (I&R), MRTP Commission as on the date of repeal of MRTP Act, whether by way of a reference made to it by the MRTP Commission under Section 11(1) or taken up by DG (I&R) suo-motto under Section 11(2) of the MRTP Act, would stand transferred to the CCI in terms of Section 66(6) of the CA. There is, therefore, no illegality in the action of transferring the investigations pending before the DG (I&R), MRTP Commission to the CCI.

*d) Gujarat Guardian Ltd. Vs. CCI & Ors. WP No. 7766/2010 before Delhi High Court decided on 23.11.2010*

In this order/judgment through which the Writ Petition in question has been dismissed, it has been reiterated that all the matters which were pending investigation before DGI&R (MRTPC) when the Competition Act came into force have rightly been transferred to the CCI under Section (66) of the Act. Further, it has been observed that in exercising its powers, the CCI will strictly abide by the Competition Act, 2002. In so far as matters transferred to it which were pending investigation when the MRTP Act stood repealed, the CCI will abide by the scheme of the Section 66 of the Act. Intent of the Court is clear from observations in para-12 of the judgment where it has been stated that forming a prima facie opinion to proceed under Section 26(1) is not contrary to Section 66(6) of the Act. It is clear from above that if DG, CCI can proceed to form an opinion regarding contraventions of the provisions of the Competition Act and the CCI shall also follow the provisions of the Competition Act and relevant rules and regulations for dealing with the cases received from DGI&R, MRTPC.

*The advantages of perfect competition are three-fold: allocative efficiency, which ensures the effective allocation of resources, productive efficiency, which ensures that costs of production are kept at a minimum and dynamic efficiency, which promotes innovative practices.*

*(Judgment by the Hon'ble Supreme Court in Civil Appeal No. 7999 of 2010 pronounced on 9th September, 2010)*

*(ii) Legislative Work:*

Under Section 64 of the Competition Act, 2002, the Competition Commission of India 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 (Manner of Recovery of Monetary Penalty) Regulations, 2010	08 <sup>th</sup> Feb., 2010
2.	Competition Commission of India (General) Amendment Regulations, 2010	28 <sup>th</sup> Oct., 2010
3.	Competition Commission of India (General) Amendment Regulations, 2011	31 <sup>st</sup> Mar., 2011

*(iii) Outreach Programme:*

Competition Advocacy is a deliberate process of outreach to convince stake holders about the innate advantages of competition. Under Section 49 of the Act, it is the responsibility of the Competition Commission of India to take appropriate measures for the promotion of competition advocacy, creating awareness, imparting training about competition issues and espousing the advantages of competition compliance.

In pursuance of these objectives the Commission has held a series of lectures, seminars and conferences dedicated to the various issues related to competition in the economy, during the year 2010-2011. Events were organised in collaboration with various economic/industrial associations/consumer organisations to ensure wider participation like National Conference on “Competition Regime: Benefitting the Consumers” was organised jointly with Department of Consumer Affairs and CUTS on 20<sup>th</sup> October 2010. A conference on “Public Procurement: Achieving Value through Competition” was jointly organised with SCOPE on 8<sup>th</sup> December 2010. In order to maximise the outreach of the mandate of the Competition Act 2002 an advertisement campaign in collaboration with the Department of Consumer Affairs was carried out in print as well as electronic media. Chairperson participated in a live programme on Doordarshan wherein he entertained live questions on competition issues. A briefing session on Competition Law at National Consumer Helpline office at Delhi University Campus was also organised. To create awareness and promote competition culture among masses, a concise booklet in Hindi explaining various nuances of competition law in a simplified way was drafted and printed for wide circulation. A transparent and predictable leniency programme has proven to be a very effective tool to detect, investigate and combat cartel cases worldwide.

An advocacy booklet explaining the provisions of leniency in the Competition Act and the regulations framed thereunder in a simplified manner was also drafted and printed for wide circulation amongst the industry.

As part of outreach to the student community, Commission provides internship facility to them. The main objective of the programme is to familiarize interested and willing students from Economics, Law, Management, and Finance about the Competition Law and its provisions and to impart training on competition and related issues. During the year 2010-11, twenty five students have undergone internship training with the Commission on various competition related issues. Some of the broad areas covered by the interns to study competition issues include Health, Sports, Telecommunications, Electronics Goods, Pharmaceuticals, etc. Some issue based studies were also taken up by the interns including IPR, Leniency programme, tying and bundling, predatory pricing, etc.



Shri Salman Khurshid, former Minister of Corporate Affairs addressing the audience at Conference on "Public Procurement: Achieving Value through Competition" organized jointly with SCOPE

With a view to have an in-depth understanding of the complex issues like functioning of markets and enabling competition, etc, the Commission undertakes market studies on various sectors of the economy both in-house and by outsourcing. Since the inception of the market study programme in 2003-04, 18 studies were commissioned to various organizations of repute. During the financial year under report, the Commission has completed the report on "Competition Law and Indian Pharmaceutical Industry" which was commissioned to Centre for Trade and Development, New Delhi. Besides, a number of studies have been conducted in-house also to identify various competition issues in the sectors like onion market, tyre, cement, steel, etc.

*(iv) Capacity Building:*

Competition Commission of India supplemented its institutional capacity building for the organization by conducting a structured induction training programme for the newly recruited officers and advanced training programme on various focused issues with the help of international experts on the subject and several other workshops were also organized in which various economic and legal issues pertaining to competition laws were discussed in-house.



CCI officers in a Capacity Building workshop

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

- i. The Induction Training Programme was conducted for direct recruits and officers on deputation from 24-28 May 2010 and 9-11 August 2010 wherein trainees were given an overview of Competition Law and Economics / Financial concepts.
- ii. A training workshop on Merger Review was organized from 15-17 July, 2010 wherein experts from European Union (EU) have trained the officers of the Commission.
- iii. The United States Federal Trade Commission (USFTC) conducted training from 2-5 August, 2010 on developing practical skills for planning and conducting investigations in abuse of dominance cases.
- iv. USFTC conducted a four day Seminar from 16-19 August, 2010 on developing the practical skills of planning and conducting investigations of anti-competitive horizontal agreements.
- v. A five day Seminar on developing the practical skills for planning and conducting efficient and

effective investigation of a proposed merger was conducted by USFTC from 30<sup>th</sup> August to 3<sup>rd</sup> September 2010.

- vi. A two day workshop on “Competition Law: Principles, Problems and Lessons learnt” was conducted by American Bar Association and International Bar Association from 1<sup>st</sup> to 2<sup>nd</sup> November 2010.
- vii. A three day seminar on Abuse of Dominance was conducted in collaboration with OECD Korea Policy Center from 23-25 March, 2011

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:*

With the passage of time since its inception, the Commission has gained varied experience on the implementation of Competition Law. Linkages with other competition agencies of the world have further enhanced its capacity. The Commission has been able to establish its credentials in the international competition fraternity which can be depicted from the recent request of United Nation Conference on Trade and Development (UNCTAD) for contributing to the Induction Workshop of Commissioners and Staff members of Malaysian Competition Commission.

For achieving the stated objectives, Section 18 of the Competition Act, 2002 permits Competition Commission of India 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] in July 2010. Competition Commission of India also participated/represented in various international conferences organised by bodies like International Competition Network (ICN), Organisation for Economic Cooperation & Development (OECD), Brazil, Russia, India, China and South Africa (BRICS) Conference, UNCTAD, American Bar Association (ABA).

Chairperson, Competition Commission of India attended the 9<sup>th</sup> Annual General Conference of International Competition Network during April 27-29, 2010 held at Istanbul, Turkey. He also attended Spring Meeting of the Antitrust Section of American Bar Association held in Washington DC, USA between April 20-23, 2010. Chairperson, CCI also attended the 6<sup>th</sup> UN Conference of UNCTAD to review all aspects of the set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices held in Geneva, Switzerland between November 8-12, 2010. Shri P.N. Parashar, Member, Competition Commission of India attended the Symposium on Intellectual Property & Competition Policy at Geneva, Switzerland during 10-12 May, 2010. He also attended International Bar Association Conference at Vancouver, Canada during 4-9 October, 2010. Shri S.L. Bunker, Secretary, CCI attended the 20<sup>th</sup> Anniversary of Federal Antimonopoly Service, Russian Federation at Suzdal, Russia during June 6-11, 2010.

## (vi) *Impact on Consumers and Economy*

Competition is the cornerstone of efficient and vibrant markets. It is a means to ensure efficient allocation of resources, wider choice of products and services, improved quality and last but not the least, increasing productivity of the overall economy. Competition encourages innovation and introduction of newer technologies and techniques of production and management. In economic terms, it optimizes static and dynamic efficiency and maximizes consumer surplus and producer surplus.

Effective competition regime provides necessary conditions for maximizing the interests of the consumers. Moreover, competition fosters economic growth, increasing GDP at a faster pace, thereby creating employment opportunities and increase in per capita income; the essential tool for alleviating poverty.

Economic theory recognizes the advantages of competitive markets for economic growth and consumer welfare. These benefits are further underscored by credible research carried out across various countries, including developed and developing economies. Several studies have documented the specific gains from competition in countries like Australia, U.S.A., U.K., New Zealand and several others.

An important role given to the Commission under the Act is competition advocacy. Section 49(3) states that the Commission shall take suitable measures, as may be prescribed, for the promotion of competition advocacy, creating awareness and imparting training about competition issues, activities that could strengthen the competition culture in the market. Thus the Commission has the specific responsibility to create awareness and impart training on competition issues. Section 49 (1) states that in formulating a policy on competition (including review of laws related to competition), the Government may make a reference to the Commission for its opinion, and the Commission is required to furnish such an opinion to the Government.



Dr.(Shri) M. Veerappa Moily, now Union Minister of Corporate Affairs addressing the audience at a National Conference on "Competition Regime- Benefiting the Consumer"

The Commission, since its inception, has been taking various advocacy initiatives such as workshops, seminars, lectures, etc. with the objective to sensitize all stakeholders about the new law and discourage them from indulging in any activity which is anti-competitive in nature. Market studies have also been carried out to identify the existing and potential areas of competition concern in the Indian economy.

As a consequence of the advocacy efforts and enforcement of the Competition Act there has been a perceptible increase in awareness among the business community and consumers, which was reflected in the numbers of cases that have been filed with the Commission alleging violation of Section 3 & 4. With these developments, it is felt that enterprises may now act with greater caution and will avoid activities which are in contravention of the provisions of the Act. It is also noticed that some enterprises came out with self-compliance guidelines for their employees to make them aware about the main provisions of the Competition Law and to avoid violation of these provisions.

Competition Commission of India is completely focused on a professional approach in its enforcement of the Act and advocacy activities which as in other jurisdictions will translate into higher economic efficiency, greater innovation, increased consumer choice at affordable prices and enhanced competitiveness in the country in the coming years.



## B. INVESTIGATIONS AND INQUIRIES ORDERED BY THE COMMISSION

### 1. Investigation and inquiry relating to Sections 3, 4 and 42 of the Act

During the year 2010-11, total 71 cases were received u/s 19(1)(a) of the Competition Act, 2002 from various informants. Maximum cases were received from the Entertainment, Banks & Finance, Electricity, Pharmaceuticals and Real Estate Sectors. The Commission has also initiated 05 Suo-Moto cases on Sugar price, Onion price, Airlines Air fare, Aluminum Phosphide and Gas Cylinder Manufacturers during the year 2010-11. The allegation made in the information received related to violation of Section 3 (Anti - competitive agreements) and Section 4 (Abuse of dominance). The Commission ordered investigation by Director General in total 71 cases under Section 26(1) of Act including 22 cases received on transfer from DGIR/MRTPC u/s 66 and 5 cases initiated on Suo Moto basis.

The Commission also decided to close 47 cases under Section 26(2) of the Act, after considering all facts and material available on the record and the oral/written submission made by the informants after concluding that there was no violation of provisions of the Competition Act, 2002.

A reference has also been received from the statutory authority viz Maharashtra Electricity Regulatory Commission (MERC) as provided in the Section 21 of the Act, 2002, in which the Commission gave its opinion within stipulated time frame.

Table 2 : Cases before the Commission during the year 2010-11

Description	Information Received u/s 19	Cases Received from MRTPC On transfer	Suo moto 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	28	50	-	-	-	-	78
Number of matter received during the year	71	0	5	-	-	01	77
Total number of matters	99	50	5	-	-	01	155
Number of matters in which prima facie violations noticed	44	22	5	-	-	-	71

Competition Commission of India

Number of matters in which no prima facie violations noticed	28	19	-	-	-	-	47
Investigation reports received on prima facie matters ordered for investigation	42	24	-	-	-	-	66
Inquiries conducted	-	-	-	-	-	-	-

## 2. Investigations and enquiries undertaken by Director General

In terms of Section 41 of the Competition Act 2002, as and when directed by the Commission, the Director General shall investigate into any matter of contravention of the provisions of the Competition Act 2002 or any Rules or Regulations made thereunder.

During the year 2010-11, Director General received 76 cases for investigation from the Commission. The Director General submitted investigation reports in 67 cases. The table given below summarizes the total number of cases received from the 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	06
Number of matters received during the year	76
Total number of matters report submitted	66
Number of matter pending at the end of the year	16
Disposal Rate	80.5%

## C. ORDERS PASSED BY THE COMMISSION

The Commission found that there is no violation of the Competition Act in 47 cases and as such these cases were closed under section 26 (2) of the Competition Act. In 08 cases, the Commission after considering the objections and submissions made before the Commission, closed the cases and passed orders accordingly. The table given below summarizes 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		
47	-	47	Under Section 26(2)
8	-	8	Under Section 26(6)
-	1	1	Under Section 27

## D. EXECUTION OF ORDERS OF COMMISSION AND PENALTIES

Table 5: Monetary Penalties

	Description	Nos.
(i)	Details on recovery of penalty levied under Sections 27,42/43/43A,44 and 45 (Separately and combined)	Nil
(ii)	Total number of matters and total amount of monetary penalties levied	01*
(iii)	Total amount realized without restoring to Section 39 (2):	Nil
(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

\*Penalty order set aside by COMPAT vide order dated 04.05.2011 and the case remanded back to the Commission for fresh orders.

Table 6: Matter Referred to Chief Metropolitan Magistrate, New Delhi

	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

	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

## E. APPEALS

### 1. Appeals filed against Commission's orders

Table 8

	Description	Nos.
I	Number of appeals filed against Commission's order in the year	17
ii	Number of appeals pending at the beginning of the year	Nil
iii	Appeals filed during the year	17
iv	Total	17

### 2. Appeals allowed by the Appellate Tribunal

Table 9

	Description	Nos.
i	From appeals pending at the beginning of the year	Nil
ii	From appeals filed during the year	Nil
iii	Total	Nil

### 3. Appeals disallowed by the Appellate Tribunal

Table 10

	Description	Nos.
i	From appeals at the beginning of the year	Nil
ii	From appeals filed during the year	08
iii	Total	08

## 4. Brief write-up on the Appeals decided by the Appellate Tribunal

*During the year, out of 17 appeals filed with the Competition Appellate Tribunal, the following 8 appeals were decided and the same were disallowed:*

- 1. Competition Appeal No.8/2010, DLF Ltd Vs. Belaire Owners Association and Others.*
- 2. Appeal No.9/2010, M/s DLF Home Developers Ltd Vs. M/s DLF Park Place Resident Welfare Association and Others.*
- 3. Appeal No. 12 to 15/2010 M/s DLF Home Developer Ltd Vs. Pushkar Dutt Sharma and Others.*
- 4. Appeal No. 16 of 2010 M/s DLF Ltd Vs. Kiran Sharma and Others*
- 5. Appeal No. 17 of 2010 M/s DLF Ltd Vs. Sangeeta Sharma and Others*
- 6. Appeal no. 20 of 2010- FICCI Multiplex Association of India vs. KFCC & ors.*
- 7. Competition Appeal No.22/2010, Travel Agents Association of India Vs British Airways*
- 8. Competition Appeal No.2 of 2010. Maharashtra Textile Processors Vs. M.I.D.C.*

## F. COMBINATION MATTERS – FUNCTIONAL STRUCTURE

---

1. The Combination Division was created in the year 2010 due to organizational restructuring. The mandate of the Division was to review combination filings as and when the provisions relating to combinations were brought into force by the Central Government and to take up preparatory work relating thereto. Out of the sanctioned strength, the Division was initially allocated a small number of professionals and support staff to deal with and effectively put in place a mechanism for proper implementation of regulation of combinations.
2. A roadmap was prepared in order to establish a functional structure of the Division to facilitate quick and efficient review of Combination filings. This plan envisaged building up physical infrastructure, setting up of combination registry, matching IT enablement alongwith the framing of draft combination regulations, finalising internal procedures and analytical framework for regulation of combinations and designing the associated standard operating procedures, flow charts, templates, checklists etc. The plan also included creation of a separate and secure work environment for the Combination Division keeping in view the confidentiality issues relating to the information contained in the anticipated combination filings.
3. As regards the manpower requirement, the assessment for trained staff requirement for the Division was made in-house based on likely filings and experience of some of the international competition authorities. With a view to equip the professional staff with requisite skills to handle cases relating to combinations, various training programmes, conferences and workshops relating to combination review, were organized by the Commission in collaboration with various competition authorities in India and abroad, with details as follows:

### *Training Programmes in India:*

- i. Three day Workshop on “*Process of Merger Review*” by DG Comp, EU, in July 2010
- ii. Five day Workshop on “*Investigative techniques for Horizontal Restraints*” by US FTC, in August 2010
- iii. Five day Workshop on “*Investigative Techniques for Merger Review and Planning*” by US FTC, in September 2010

### *Training Programmes outside India:*

- i. Internship for an official of Combination Division for a period of two months on Merger Review with the Competition Authority of Ireland in Dublin in October- November 2010.
- ii. Three Day Workshop on Mergers by International Competition Network and Italian Competition Authority in Rome in November 2010 (attended by one of the officers of the Division).



4. Further, as part of this preparatory and foundational work, the Commission drafted the combination regulations and placed them on the website of the Commission on February 28, 2011 to solicit comments of different stakeholders.
5. The views and comments from a wide spectrum of stakeholders i.e. business/industry associations, professional bodies both at the national and international levels and other competition authorities were received by the Commission. The Commission held consultations with different stakeholders in order to appreciate various concerns of stakeholders and address them appropriately in the merger control regulations in the country. The Ministry of Corporate Affairs also held consultations with interested stakeholders, including the Commission, to understand their views and concerns.
6. In the meanwhile, the Central Government issued four notifications on March 4, 2011 relating to combinations whereby Sections 5, 6, 20, 29, 30 and 31 of the Competition Act, 2002 were brought into force from June 1, 2011.

*PS: By the time this Annual Report was sent to the press, the Commission has already notified the Competition Commission of India (Procedure in Regard to the Transaction of Business relating to Combination) Regulations, 2011 in May 2011.*

## G. REFERENCES FROM CENTRAL GOVERNMENT OR STATE GOVERNMENTS

Table 11: References from Central Government under section 49(1) of the Act

	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

Table 12: References from State Governments under section 49 (1) of the Act

	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 13: References from and to Statutory Authorities

	Description	Nos.
i)	Number of references pending at the beginning of the year	Nil
ii)	Number of references received during the year	01
iii)	Total	01
iv)	Number of references disposed of out of (i)	Nil
v)	Number of references disposed of out of (ii)	01
vi)	Total number of references disposed of during the year	01
vii)	Number of references pending at the end of the year	Nil

## I. COMPETITION ADVOCACY

Section 49(3) of the Competition Act lays responsibility on the Commission to take suitable measures for the promotion of competition advocacy, create awareness and impart training about competition issues among various stakeholders. In pursuance of this charter, the Commission has been organizing seminars, workshop, interactive meetings etc with different regulatory bodies, policy makers, trade organizations, consumer associations and the public at large to create awareness about competition issues.

During the year 2010-11, the Commission conducted a series of lectures, workshops, seminars conferences dedicated to the various issues related to competition in the economy. The details are given hereunder:

*(i) Workshops, Seminars and other interactions with public / experts / policymakers / regulatory bodies on Competition Advocacy and for creating awareness of competition issues:*

Table 14: Workshops, Seminars etc. on Competition Advocacy

Subject matter of the workshop/seminar	Number of participants	Dates during which held	Beneficiaries, i.e., government officials, industry, academician, professionals and others to be specified
Seminar on "Professional opportunities in Competition Law"	30	28-05-2010, ICAI Mumbai Chapter	CA professionals
Workshop on "Competition law & Policy"	150	01-06-2010, Bengal Chamber of Commerce & Industry, Kolkata	Industry
Lecture on "Competition Law"	30	12-07-2010, Bihar Industries Association, Patna	Industry
Address on "Competition Law" in the Conference organized by the Institute of Chartered Accountants of India	50	17.07.2010 at Delhi	Professionals

National workshop on 'Recent Development in Competition Analysis: Study and Practices' at Centre for Development Studies (CDS).	50	10.08.2010 at Trivendrum	Various stake holders
Interaction with Prof. Ajay Shah, Professor at National Institute of Public Finance and Policy, on "Financial Markets".	20	6.9.2010	In-house, for Economic Division, Advocacy Division and Capacity Building Divisions of CCI.
Address on "Competition Law Enforcement" in the seminar organized by Sh. Babul Reddy Foundation in Collaboration with CCI	250	03.10.2010 at Hyderabad	Various stake holders
Lecture in International Competition Law Conference.	100	19.10.2010 at Delhi	Various stake holders
National Conference on "Competition Regime: Benefiting the Consumer" along with Department of Consumer Affairs and CUTS	100	20.10.2010 at Delhi	Various Govt. Deptt., Officials, NGOs, consumer organizations, Media persons etc.
National Seminar on 'Power for All' at their Federation House, Hyderabad organized by Federation of Andhra Pradesh Chamber of Commerce and Industry, Hyderabad (FAPCCI) alongwith Govt. of Andhra Pradesh	25	23.10.2010 at Hyderabad	Industry
Lecture on 'Role of CCI in the context of emergence of Business power houses' at 'Foundation Day Celebration' organized by State Bank Academy.	150	18.11.2010	Various stake holders
Lecture on 'The Role of Competition Commission' organized by Dr. Marry Channa Reddy Human Resource Development Institute of Andhra Pradesh (MCRHRD IAP).	100	26.11.2010	Various stake holders

National Conference on "Indian Economy: Twenty Years of Economic Liberalisation" organized by Centre for Development Studies(CDS).	100	1-3.12.2010	Various stake holders
Lecture on Competition Law – advantages to tax practitioners	75	03-12-2010, All India Federation of Tax Practitioners, at Mumbai	Tax Professionals
Lecture on Competition Law– advantages to tax practitioners	75	06-12-2010, Tax Practitioners' Association, at Indore	Tax Professional
Conference on "Public Procurement Achieving Value through Competition"	85	08.12.2010	Secretaries and seniors officers of major procurement deptt. of Govt. of India, CCI, senior officials of CPSUs, DGS&D, representative of state Govts. etc
Lecture on "Competition Law- an Overview"	25	22-01-2011, Vishakhapatnam Chamber of Commerce & Industry, Vishakhapatnam.	Industry
Lecture on issues relating to Competition Law-emerging trends	70	24-01-2011, Federation of Andhra Pradesh Chamber of Commerce & Industry, Hyderabad	Industry
Lecture on "Competition Law in India"	75	11-02-2011, Federation of Gujarat Industries, Vadodara	Industry

Lecture on "Indian Competition Law and Policy-an Overview"	50	15-02-2011, All India Importers' & Exporters' Association, Mumbai	Traders
FICCI Frames – Lecture on 'Competition Law & Policy in India'	250	23-03-2011, FICCI, Delhi	Industry

In order to build awareness about competition, competition law and its benefits amongst students, a national level essay competition was organized on the themes "Fair Competition: Engine for Economic Growth" and "Attaining Competitiveness through Competition".

## *(ii) Capacity building of stakeholders to participate in competition regulatory process*

Commission fully understands the importance of participation of various stakeholders in the competition regulatory process including ministries/departments, research community, regulators, lawyers, industries, etc. for making this new law a success in the country. For active and meaningful participation of these stakeholders in this process, it is important to make them aware about the Competition Law and its provisions so that they could actively participate in the regulatory process. To achieve this objective, Members of the Commission and its officers delivered lectures, talks, presentations, etc. on the competition related issues on invitation by various stakeholders. Some of the talks delivered by Members are presented below:

- i. Talk on "Economics and Regulation of Market" at State Bank Staff College, Hyderabad on 16<sup>th</sup> June, 2010.
- ii. Chairing the valedictory session and addressing at the project launch meeting organized by CUTS International on "Collusive Behaviour in Health Delivery in India: Need for Effective Regulation" held on 6<sup>th</sup> July, 2010 in New Delhi.
- iii. Lecture on "Team DG, CCI - In pursuit of excellence" at International Competition Law Conference organized by COMPAT and Competition Law Bar Association in New Delhi on 19<sup>th</sup> October 2010.
- iv. Presentation on issues on competition in Power Sector in the National Seminar on "Power for All" organised by FAPCCI, Hyderabad on 23<sup>rd</sup> October, 2010.
- v. Lecture on "Competition Law & Practice - An Investigation Perspective" at the 2nd International Conference on Competition Law organized by International Academy of Law and World Council for Corporate Governance in New Delhi on 13<sup>th</sup> November, 2010.
- vi. Lecture on 'Role of CCI in the context of emergence of business power house' at foundation day celebration organised by State Bank Academy, Gurgaon, on 18<sup>th</sup> November, 2010.
- vii. Talk on "Competition Law Enforcement - Evaluation of Evidence" at Global Competition Law

- Conference organized by University College, London in New Delhi on 19<sup>th</sup> November 2010.
- viii. Addressing Probationers of 85<sup>th</sup> foundation course on 'The Role of Competition Commission' on 26<sup>th</sup> November, 2010, organised by Dr. Marry Channa Reddy Human Resource Development Institute of Andhra Pradesh, Hyderabad.
  - ix. Participation in the National Conference on "Indian Economy- 20 years of Economic Liberalisation" at Trivandrum organised by Centre for Development Studies, Trivandrum, during 1-3 December, 2010.
  - x. Meeting on "Activating Open access in Electricity Sector" convened by Planning Commission on 7<sup>th</sup> January, 2011.
  - xi. Lecture on "Investigation and Procedure in the office of DG, CCI" at Seminar on Competition Law Enforcement organized by Indian Chamber of Commerce (ICC) at India Habitat Centre on 3<sup>rd</sup> February 2011.
  - xii. Chairing the Conference of the Chief Financial Officers (CFO) on the topic "Competition Law - Relevance in Today's Corporate World", organized by Dun & Bradstreet in New Delhi on 11<sup>th</sup> February 2011.
  - xiii. A panel member in NCAER/ACIAR Project Workshop on "Facilitating Efficient Agricultural Markets in India: An Assessment of Competition and Regulatory Reforms Requirements" held in New Delhi on 16<sup>th</sup> February, 2011.
  - xiv. Participation in "Energy Market Forum" organised by Mercados Energy Markets India Pvt. Ltd. in New Delhi on 11<sup>th</sup> February, 2011.
  - xv. Lecture as a Panel Member on the topic "Government Procurement System - Contemporary Competition Issues" in the seminar organized by Department of Commerce, GOI; Confederation of Indian Industry (CII) and FICCI in collaboration with the World Trade Organisation (WTO) at New Delhi on 22<sup>nd</sup> March 2011.
  - xvi. Participation in workshop organized by the Institute of Social Studies Trust, New Delhi to share ideas and experiences on the ways in which public policy can be engendered, today and in the future; and feminist thinking incorporated into the academic curriculum and the design of poverty eradication programmes on 25<sup>th</sup> March, 2011.



Audience at a CCI conference



*(iii) Competition related Sectoral / Regulatory Impact assessment; Market Studies and Research Projects carried out by the Commission*

In pursuance of the mandate under Section 49, sub-section 3 of the Competition Act, 2002, the Competition Commission of India (CCI) continued to undertake projects and programmes for the promotion of competition advocacy, creating awareness and imparting training on the competition related issues. Since the inception of the research study programme in 2003-04, 18 studies were commissioned and completed. During the financial year under report, the Commission has completed the report on “Competition Law and Indian Pharmaceutical Industry” which was commissioned to Centre for Trade and Development, New Delhi.

With a view to have an in-depth understanding of the complex issues like functioning of markets and enabling competition, etc, a Think Tank group has been constituted comprising eminent experts from academic and government by the Economic Division of CCI. Two meetings have been conducted so far and issues like role of trade associations in anti-competitive practices, definition of relevant market under competition law, data bank requirement for analyzing cases and conducting studies in CCI, etc have been discussed to prepare a concept paper and to lay down the road map for further action.

Background papers/notes have been prepared on the issues like Public Procurement and Competition Issues, Trade Associations, Agriculture Transport, Healthcare, Green Growth, Distribution of Electricity and Competition Issues, Relevant Market, etc and submitted to the Commission.

Economic Division had initiated a study proposal on “Public Procurement and Competition Issues” in collaboration with TERI for funding from IDRC. A grant of Canadian \$ 44,940 (approx. Rs.19,88,141/-) had been approved by IDRC and the study has been awarded to TERI.

**Table 15: Competition related Market Studies, Papers etc. carried out by the Commission**

Title of the market study /research project	Purpose	Date of completion
Commissioned Studies		
“Competition Law and the Pharmaceutical Industry” by Centad.	To identify anti-competitive concerns in the Pharmaceuticals industry.	August 2010
In-house Research/Studies		
Discussion paper on performance of Banking Sector in India	Analysis of the performance of the industry and identification of anti-competition practices prevalent in the sector	February 2010
Discussion paper on performance of Tyre Industry in India	Analysis of the performance of the industry/Identification of anti-competition practices prevalent in the sector.	March 2010

Discussion paper on performance of Cement Industry in India	Analyze the performance of the industry in terms of competition parameters	May 2010
Note on Sugar Industry in India	Analysis of the performance of the industry and identification of anti-competition practices prevalent in the sector.	June 2010
Discussion paper on Trade Associations and Competition Issues	To bring forth the potential areas of competition concern with regard to the activities of trade associations.	July 2010
Discussion paper on Public Procurement and Competition Issues	To identify and suggest ways to prevent anti-competitive practices in public procurement.	September 2010
Discussion paper on competition issues in the onion market in India	To identify collusive practices in the Onion markets in India	October 2010
Discussion paper on Distribution of Electricity : Competition Imperatives	To identify the competitive bottlenecks in electricity distribution markets in India and suggest possible ways forward.	December 2010

Table 16: Booklets published by the Commission

Title of the publication	Brief purpose/target group	Month of publication	Whether original or reprint
Bharitya Pratispardha Kanon- Ek Sankshipt Parichay	To create awareness and promote competition culture among masses, advocacy booklets on different subjects have been incorporated into single booklet in Hindi in a concise form.	September 2010	Original
Advocacy booklets on the following subjects: <ul style="list-style-type: none"> <li>• The Competition Act 2002- An Overview</li> </ul>	To make various stake holders and common man aware of the provisions of Competition Act	March 2011	Reprinted incorporating latest amendment in the Act

<ul style="list-style-type: none"> <li>• How to File Information?</li> <li>• Frequently Asked Questions</li> <li>• Provisions relating to Cartels</li> <li>• Provisions relating to Bid Rigging</li> <li>• Provisions relating to Combinations</li> <li>• Competition Compliance Programme for Enterprises</li> <li>• Provisions relating to abuse of Dominance</li> </ul>			
<p>Advocacy booklet on Leniency provisions</p>	<p>To make various stake holders and common man aware of the provisions of Competition Act</p>	<p>March2011</p>	<p>Original</p>

*(iv) Consultation papers published / placed on website of the Commission*

The following papers and reports have been placed on the website/intranet of the Commission:

1. A paper on "Calculating Anti-trust damages: with special reference to cartels" was prepared by the Economics Division and posted on INCCI (CCI intranet).
2. The report on "Performance of Cement Industry in India" has also been posted on CCI intranet.

*(v) Analytical papers prepared and examined*

As mentioned earlier, Economics Division has conducted some in-house studies on various sectors to analyse the performance of these industries and also to identify various competition issues in these sectors. Some of the sectors analysed by the Economics Division includes onion market, steel, cement, banking, tyres, sugar, etc.

*(vi) Others*

Internship programme:

The Commission provides internship facility to students and during the year 2010-11, twenty five students have undergone internship training with the Commission on various competition-related issues. In fact, a large number of applications are received in the Commission for such internship programme. Eligibility guidelines/criteria have been laid down and a duly constituted Selection Committee evaluates all such applications and makes recommendation for selecting interns on month to month basis.

## J. ADMINISTRATION AND ESTABLISHMENT MATTERS

---

### 1. Report of the Secretary

#### (i) *Introduction*

One hundred and eighty seven posts were sanctioned by the Government of India vide Ministry of Corporate Affairs (MCA) order dated 20<sup>th</sup> January, 2009, in lieu of the posts sanctioned earlier. The 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). In addition, MCA has further sanctioned 10 posts of support staff (Sr.PPS/PPS/PS) to be filled through deputation vide notification dated 22<sup>nd</sup> April, 2010.

The recruitment rules for the 145 posts (90 professionals + 55 support staff) in the Commission was promulgated by MCA vide notification date 14<sup>th</sup> 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 balance posts (44 professionals and 32 support staff) in addition to 10 posts of support staff (Sr.PPS/PPS/PS) are to be filled in by deputation.

#### (ii) *Filling of posts by Deputation*

Applications were invited from eligible officers of various departments of Government of India, State Governments, Judiciary, other regulatory bodies and autonomous bodies etc. to fill up vacant posts of professionals from the levels of Adviser to Deputy Director and of support staff from the level of Joint Director to Office Manager. As on date 50 posts are filled on deputation basis and 9 persons have been absorbed. 27 posts are still vacant and applications have been called for filling up these posts also.

#### (iii) *Filling of posts by Direct Recruitment*

In the first round of the Direct Recruitment, 18 professionals and 8 support staff were appointed. For the second round of Direct Recruitment, applications were called for from eligible candidates in November 2010 against 24 posts of professionals and 15 posts of support staff. The written examination was held in February, 2011 in which a total of 480 candidates appeared.

#### (iv) *Selection process*

The selection process consisted of a written examination (80% weight age) followed by interview (20% weight age). 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.

### (v) *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 31<sup>st</sup> December, 2009. As per the rules, all the posts have to be filled by deputation only by the Central Government. Total 13 posts (5 professional and 8 support staff) are filled on deputation basis. 27 posts of professional are still vacant and applications have been invited by the Commission on behalf of MCA, from eligible officers for deputation against these posts. The process to fill these posts is in progress.

## 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 1<sup>st</sup> 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 17: Composition of the Commission

Name	Designation	Date of joining
Shri Dhanendra Kumar*	Chairperson	28.02.2009
Shri H. C. Gupta	Member	28.02.2009
Shri R. Prasad	Member	01.03.2009
Shri P. N. Parashar**	Member	14.04.2009
Smt. Geeta Gouri	Member	16.04.2009
Shri Anurag Goel	Member	02.09.2009
Shri M. L. Tayal	Member	03.11.2009

\* Shri Dhanendra Kumar has since demitted office on attaining age of 65 years on 5<sup>th</sup> June 2011

\*\* Shri P.N. Parashar has since demitted office on attaining age of 65 years on 27<sup>th</sup> July 2011.



L to R: Shri S.L. Bunker (Secretary, CCI), Shri P.N. Parashar (Member, CCI), Shri Anurag Goel (Member, CCI), Shri H.C. Gupta (Member, CCI), Shri Dhanendra Kumar (Former Chairman, CCI), Dr. Geeta Gouri (Member, CCI), Shri M.L. Tayal (Member, CCI) and Shri R. Prasad (Member, CCI)

### 3. Meetings of the Commission

As per the Regulation 3 (a) (b) of the Competition Commission of India (Meeting for Transaction of Business) Regulations, 2009, total 144 ordinary meetings were conducted relating to a statutory inquiry or investigation, or other proceedings as per the provisions of the Act, or the rules or regulations made thereunder. The Commission also conducted 34 special meetings relating to all other functions not covered by the ordinary meeting.

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

No appointments were made during the year. Neither the Chairperson nor any of the Member demitted office during the period.

### 5. Organizational Structure

Even though this is the second 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 9 functional wings as given below:

Table 18: Functional Wings of the Commission

S. No.	Name of the Division
1.	Secretariat
2.	Administration & Coordination Division
3.	Investigation Division
4.	Legal Division
5.	Economic Division
6.	Advocacy Division
7.	Capacity Building Division
8.	Combination Division
9.	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 19: Personnel in the Commission (Professionals)

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 K.K. Sharma	2
Adviser (Eco)	3	Shri R.N. Sahay Dr. Seema Gaur Shri Sanjay Bahadur	0
Adviser (FA)	2	Shri P.K.Purwar Shri G.R.Wadhwa	0

Competition Commission of India

Director (Law)	5	Shri Pramod Kumar Singh Shri Manoj Pandey (#) Smt. Saroj Yadav Shri Kulvinder Singh Jaggi Dr. Satya Prakash	0
Director (Eco)	5	Ms. Renuka Jain Gupta	4
Director (FA)	2	Shri Sharad Krishna Sharma (#)	1
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	8
Joint Director (FA)	4	Shri Alok Tripathi	3
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 Shri Vijay Kumar Singh Shri Kuldeep Kumar	9
Deputy Director (Eco)	18	Shri Nirmal Mehrotra Shri Rajinder Kumar Smt. Sayanti Chakrabarti	15
Deputy Director (FA)	10	Shri H.K. Ahuja Smt. Neeru Shad Shri Shekhar Shri K. Mahipal Chandra Shri Pankaj Kumar Shri Bhupendra Singh Shri Sachin Yadav (#)	3

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



Table 20: Personnel in the Commission (Support Staff)

SUPPORT STAFF			
Joint Director (F&A)	1	Shri M.A.Zargar	0
Joint Director (IT)	1	Vacant -	1
Deputy Director (CS)	5	Shri Virendra Singh Shri D.K. Dixit Shri K.B.Subramanian Shri Arun Kumar Sharma	1
Deputy Director (F&A)	1	Nil	1
Deputy Director (IT)	1	Shri Narendra Kureel	0
Assistant Director (CS)	14	Shri AshishDesh Raj Shri Ramesh Chand Shri C.S. Thakur Shri U.S. Vidyarthi Shri Anil Kumar Shri Neeraj Sachdeva Shri Arindam Kumar Mitra Shri Umesh Kumar Jain Shri SulabhRastogi Shri Rajesh Kumar Singh Shri Mukesh Kumar Shri Manoj Kumar Tiwari (#) Shri Sanjeev Shankar	1
Assistant Director (LS)	02	Ms. Sangeeta Gupta Shri Dwarika Prasad	0
Assistant Director (IT)	3	ShriAvadh Narayan Smt Kanupriaya 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. S.P. Gahlaut Shri Anil Kr. Vashist Smt. Manisha Gupta Smt. AishwaryaRao Shri Sudhir Khare Shri Nitin Kumar ShriV.K.Mann (#)	12

Competition Commission of India

Office Manger (F&A)	4	Shri Simardeep Singh Ahuja	3
Office Manger (LS)	1	Nil	1
Sr.PPS	1	Nil	1
PPS	6	Shri Rajiv Ranjan Tiwari Shri Vijay Kumar Juneja Shri D. Radhakrishnan Smt. Philomina Joseph Smt. N. Vijaylakshmi	1
PS	3	Shri Davinder Singh Kakkar Smt. Poonam Kohli	1

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

Table 21: Officers against old posts

Officers against old posts	
Director	Shri R.K. Verma
Assistant	Shri V.S.Chary
Librarian and Record Keeper	Shri G. Sreeniwas

Table 22: Position of Staff in DG's Office as on 31.03.2011

S.No.	Name of the Post	No. of Posts	Name of the Officer	No. of post vacant
1.	Director General	1	Shri Ajay Kumar Chauhan	-
2.	ADG(Law)	2	Shri S.P. Deo Shri Manoj Pandey, Director(Law) #	1
3.	ADG(FA)	1	Shri Sharad Krishan Sharma, Director(FA) #	1
4.	ADG(Eco)	1	Ms. Jyoti Jindgar	-
5.	JDG(Law)	3	Shri Sandeep Jain	2
6.	JDG(FA)	2	Nil	2
7.	JDG(Eco)	3	Shri I.S. Sain	2
8.	DDG(FA)	4	Shri Sachin Yadav, DD(FA) # Shri H. Ram Prakash	3
9.	DDG(Eco)	8	Nil	8
10.	DDG(Law)	8	Nil	8

11.	DDG(CS)	1	Shri L.D. Joshi	-
12.	ADG(CS)	3	Manoj Kumar Tiwari (#) Shri Ajay Kumar Gaur Sh. Girish Chand Srivastava Sh. Ashish Kumar Singhal	-
13.	Office Manager (CS)	4	Shri Vijay Kumar Mann (#) Shri MadanLal Shri Vivek Mishra Shri ShyamalSil Shri D.S. Rawat	-

(#) 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 23: 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)	13	3 for OBC 1 for SC	General – 5	General – 4 SC – 1 <b>OBC – 3</b>
	2. DEPUTY DIRECTOR (FA)	7	1 for OBC 1 for SC	General – 3 SC – 1	General – 2 OBC – 1
	3. DEPUTY DIRECTOR (ECO)	13	3 for OBC 1 for SC	General – 2	General – 7 SC – 1 OBC – 3

5	ASSISTANT DIRECTOR (IT)	3	Nil	General – 3 (including – 1 PH)	Nil
6.	OFFICE MANAGER (FINANCE & ACCOUNTS) – 4 OFFICE MANAGER (Corporate Service) – 15 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

## 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 15<sup>th</sup> May, 2009, called the Competition Commission of India (Procedure for engagement of Experts & Professional) Regulations, 2009. In terms of Regulation, 9 experts were engaged – 5 in Law, 2 in Economics, one each in HR and IT Streams as on 31.03.2011.

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

For administering the Competition Fund, which has been constituted under Section 51 (1) of the Competition Act, 2002 and to oversee expenditure from the fund, a Fund Administration Committee consisting of two Members has been constituted by the Chairperson under Section 51 (3). Further, financial powers to sanction expenditure under various heads have been delegated to different level of officers of the Commission for smooth functioning.

## 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 has been engaged upto 31.03.2012.

## K. BUDGET AND ACCOUNTS

### 1. Budget Estimates and Revised Estimates under Broad Categories

Competition Commission of India (CCI) receives budgetary support in the form of Grants-in-Aid from Ministry of Corporate Affairs (MCA). A budgetary provision of Rs 4403 lakh was made by the Ministry for the year 2010-11, which included an estimated provision of Rs 1500 lakh for Salaries, Rs 200 lakh on Travel Expenses, Rs 150 lakh on Training/ Seminars, Rs 305 lakh on Professional Charges, Rs 1262 lakh for Rent and Rs 986 lakh for Establishment related expenses. However, in October 2010, MCA re-appropriated an amount of Rs 175 lakh, out of Rs 4403 lakh in the newly opened Object Heads for booking the expenditure on account of Salaries, Wages, Overtime Allowance, and Medical Treatment in respect of the employees of erstwhile DGI&R. During R.E. exercise, the budgetary provision was revised to Rs 3438 lakh (including Rs. 131.50 lakh for the erstwhile staff of DGI&R). Thus the grant for 2010-11 (Revised Estimate) was approved for Rs. 3306.50 lakh under the Head "Grants-in-aid General-CCI". The Budget Estimate, Revised Estimate and the Actual Expenditure for the year 2010-11 are detailed below:

Table 24: Budget, Revised and Actual Estimate

(Rs. In Lakh)

Budget Estimate	Revised Estimate	Actual Expenditure
4403.00	3306.50	3199.82

### 2. Receipts under broad Categories in the Competition Fund established under Sub Section (1) of Section 51 of the Act

In terms of Section (1) of Section 51 of the Competition Act, 2002 as amended by the Competition (Amendment) Act, 2007 the Competition Fund was created, by the Commission. The Fund consists of the following:

- i. All Government Grants received by the Commission.
- ii. The Fees received under the Act.
- iii. The Interest accrued on the amounts referred to in above.

The Ministry released an amount of Rs. 3306.50 lakh during 2010-11. The receipts during 2010-11 under broad categories in the Competition Fund under Section 51 (1) of the Act are as given overleaf:

Grants in Aid	-	Rs 3306.50 lakh
Fees	-	Rs 27.04 lakh
Bank Interest	-	Rs 25.10 lakh
Application Fee & other receipts	-	Rs 8.85 lakh
Total	-	<u>Rs 3367.49 lakh</u>

The total available funds during the year 2010-11 (including the opening balance of Rs. 280.82 lakhas on 1<sup>st</sup> April 2010) in the Competition Fund works out to Rs 3648.31 lakh.

## 2. Actual Expenditure under broad Categories

The Commission incurred a total actual expenditure of Rs. 3199.82 lakh during the year 2010-11. The broad break up is given hereunder:

Salaries	-	Rs 989.06 lakh
Travel Expenses	-	Rs 90.15 lakh
Training/ Seminar	-	Rs 24.83 lakh
Professional charges	-	Rs 122.65 lakh
Rent of office premises	-	Rs 1244.55 lakh
Office expenses	-	Rs 587.93 lakh
Provision for Expenses	-	Rs 140.65 lakh
Total expenditure	-	<u>Rs 3199.82 lakh</u>

## 3. 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 31<sup>st</sup> March 2011 was Rs 448.49 lakh.

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. 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 formats prescribed in the Gazette Notification GSR No. 204(E) dated 27<sup>th</sup> March 2009 {the Competition Commission of India (Form of Annual Statement of Accounts) Rules 2009}. The Annual Accounts 2010-11 were approved by the Commission and have been forwarded to Comptroller & Auditor General of India (C&AG) for the purposes of audit. The annual accounts of the Commission for 2010-11, as certified by the Comptroller & Auditor General of India together with the audit report thereon, after adoption by the Commission, shall be forwarded to the Central Government for placing before both the Houses of Parliament.

## L. INTERNATIONAL CO-OPERATION

---

### 1. Brief notes on Memorandums or Arrangements signed by the Commission with agencies of foreign countries

Section 18 of the Competition Act, 2002 (as amended) casts duty on the Commission to eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade carried on by other participants, in markets in India. Further, with a view to discharge its duties or to perform its functions smoothly, this Section enables the Commission to enter into any memorandum or arrangement with any agency of any foreign country with the prior approval of the Central Government.

In above backdrop, the Commission had initiated proposals for entering into Memorandum of Understanding [MoU] with various competition authorities like United States Federal Trade Commission [US FTC]/United States Department of Justice [US DoJ], European Union [Formerly called European Commission], Federal Antimonopoly Services, Federation of Russia [FAS, Russia] and State Administration for Industry & Commerce, Peoples Republic of China [SAIC, PRC] in July 2010. None of these four MoU's could, however, be finalized during the year as the same are being processed for taking a final decision by the competent authority.

In addition to above, the Commission had also contributed in shaping the text of the chapter on Competition in India-EU Broad Based Trade and Investment Agreement [BTIA], India-EFTA Free Trade Agreements [FTA], India New Zealand Comprehensive Economic Co-operation Agreements [CECA], India-Australia CECA, India-Japan Comprehensive Economic Partnership Agreement [CEPA] proposed to be entered/entered by the Government of India with concerned parties by participating in negotiations/meetings during regular rounds or through Digital Video Conferences. Some of the negotiation discussions were lead by the representative/(s) from MCA also.

### 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 the 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 meetings, seminars, conferences, workshops etc. organized by the ICN; and representatives from CCI also availed the opportunity to participate in some of the important events organized by ICN during the year. In addition, CCI is also a member of the Merger Working Group [MWG] of the ICN and has been attending the tele-conferences of MWG from time to time.

## (ii) BRICS

Competition Authorities of five leading emerging market countries consisting of Brazil, Russia, India, China and South Africa [BRICS], constituted a Group with same nomenclature in the year 2009. South Africa joined this Group in the year 2010 only. Heads of the Competition Authorities of Brazil, Russia, India and China (BRIC) held their meeting on September 1, 2009 during 1<sup>st</sup> BRIC International Competition Conference at Kazan [Russia] from August 31 – September 2, 2009 and expressed, inter-alia, their strong commitment to further exchange opinion on different aspects of competition policy and enforcement through four-way dialogue in international fora already in place in which they participate. They had also agreed to organize the BRIC International Competition Conference on regular basis after every two year. During 1<sup>st</sup> BRIC International Competition Conference SAIC [PRC] had volunteered to organize the 2<sup>nd</sup> BRICS Conference which is now proposed to be held by them during the period September 20-22, 2011. *(The event has since been held as per schedule.)*

## (iii) Organisation for Economic Co-operation and Development (OECD)

Over the last two years, CCI has been immensely benefitted from its interactions with OECD, presumably based on its ad-hoc observer status.

- i. Experience of India over the last two years as an ad-hoc observer (invitation to a specific event) to the competition committee has been very positive. India has been regularly invited to the meetings of OECD Competition Committee as well as OECD Global Competition Forum. India has also attached great importance to its participation in OECD, by means of active participation in most of the Competition Committee's meetings. Senior functionaries from Ministry of Corporate affairs and CCI have been 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.
- ii. Apart from this, OECD has been CCI's major supporter in the area of capacity building activities. CCI has received technical assistance support for organizing a number of events in CCI. During last two years, with the help of OECD, the following programs have been organized at CCI premises in New Delhi:
  - a. Seminar on "Way forward for CCI: Drawing from international experience" on November 23, 2009.
  - b. Seminar on "Agency Effectiveness" in November 16, 2010.
  - c. Seminar on "Abuse of Dominance" during March 23-25, 2011
- iii. Further, at least one officer has been 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 and have positively contributed to its role as competition enforcement authority.



#### 4. Details of International delegations received by the Commission from Foreign Governments, Foreign Competition Authorities, Multilateral Institutions and Others including the purpose of the delegation and the outcome

Competition Commission of India received a five member delegation from State Administration for Industry & Commerce [SAIC], Peoples Republic of China [PRC] on 15<sup>th</sup> October, 2010 during their four day visit to India from October 13-16, 2010. Delegation members discussed with the Commission on selection of theme, session topics and preparation work for the 2<sup>nd</sup> BRICS International Competition Conference to be organized by them in September, 2011; updated on the developments in the Indian and Chinese competition law and enforcement; and discussed on possibilities of mutual co-operation among two competition enforcement authorities.

In addition to above, informal visits have also been made, to this Commission, by a single member delegation from Competition Commission Singapore [CCS] on 11<sup>th</sup> November, 2011 and a team of nine University Professors from Korean Competition Law Association to have comparative analysis of the competition legislation, exchange their experiences and trends in the enforcement of competition law and policy in two jurisdictions.

The visits of these delegations helped in having an insight into the provisions of competition law and policy in other jurisdictions, institutional set-up of the enforcement agencies and identification of problematic areas in the enforcement of competition law.



Seminar on Abuse of Dominance by OECD – Korea Policy Center

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

Foreign visits have been undertaken during the year by the Chairperson / Members / Officials of the Commission to participate in the international conferences, training and exchange programme, workshops, seminars, meetings etc., which were relevant to the sphere of work entrusted upon and also useful to this Commission, on invitations to CCI by Other Competition Authorities, Bodies of United Nations, International Organizations / Institutions. Details of such foreign visits, by Chairperson / Members of the Commission, reflecting purpose and outcome achieved, in brief, is contained in statement at Table-25. Besides, officers of the Commission (including those in DG Office) were deputed to attend various Seminars/Workshops, other advanced professional programmes and training workshops to various countries. Such deputation aimed at building capacity of the officers by providing them international exposure and opportunity to learning from the experiences of other established jurisdictions.

CCI, by participation in aforesaid international events, has been able to establish its credentials, to some extent, in the international competition network fraternity. Recently, United Nations Conference on Trade and Development [UNCTAD] had requested this Commission to contribute to the Induction Workshop being organized for Commissioners and Staff Members of the Malaysian Competition Commission for its establishment and smooth functioning thereby exhibiting recognition and maturity which CCI has attained in short span of its existence.

## 6. Others

There is also a proposal to host third BRICS International Competition Conference, which is held after every two year, by the Competition Commission of India in the year 2013 for which a proposal has been sent to the Ministry of Corporate Affairs for obtaining approval of the Government. If agreed, the announcement for the same will be made by the delegation of the Commission in the forthcoming BRICS International Competition Conference being organized by State Administration for Industry & Commerce [SAIC] at Beijing, Peoples Republic of China on September 20-22, 2011. (The proposal has since been approved by the Government and the event will be held in India in the year 2013.)

Details of foreign visits for official purposes undertaken by Chairperson / Members of Competition Commission of India during Financial Year 2010-11:

Table 25: Details of Foreign Visits of Chairperson/Members of CCI during 2010-11

S.No.	Name of Officer & Designation	Purpose of foreign visit	Duration of visit & Place(s) / Country (ies) visited	Outcome achieved
1.	Shri Dhanendra Kumar, Former Chairperson	To attend Spring Meeting of the Anti-trust Section of American Bar Association.	April 20-23, 2010 Washington DC [USA]	Projected CCI in the international forum, had peer review and deliberations.
		To attend 9 <sup>th</sup> Annual Conference of the International Competition	April 27-29, 2010 [Turkey]	Istanbul Projected CCI in the international forum Network and had peer review and deliberations.
		To hold deliberations with US-IBC / US-FTC / US-DoJ and India Club of World Bank Group – International Monetary Fund [WBG-IMF]; and to participate in Competition Committee Meetings of OECD at Paris [France].	October 24-25, 2010 Washington DC [USA]  & October 27-28, 2010 Paris [France]	Projected CCI in the international forum, had peer review and held deliberations.
		To attend 6 <sup>th</sup> UN Conference of UNCTAD to Review all Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.	November 8-12, 2010 Geneva [Switzerland]	Represented CCI in the international forum, had peer review and held deliberations with eminent experts.

Competition Commission of India

S.No.	Name of Officer & Designation	Purpose of foreign visit	Duration of visit & Place(s) / Country (ies) visited	Outcome achieved
		To attend conference titled "Competition law & the State: Corporate Governance, Compliance and Anti-trust" organized by University College of London (UCL) in collaboration with the University of Hong Kong.	March 18-19, 2011 Hong Kong	Projected CCI in international forum by speaking in the conference on the issues of competition law and policy.
		To participate in an ICN Sponsored meeting at US FTC and 59 <sup>th</sup> Annual Spring Meeting of American Bar Association, Section of Antitrust law.	Mar. 29 – April 1, 2011 Washington DC [USA]	Projected CCI in the international forum and had peer review and held deliberations.
2.	Shri P.N.Parashar, Member	To attend the Symposium on Intellectual Property and Competition Policy	May 10-12, 2010 Geneva [Switzerland]	Represented CCI in the international forum, had peer review and deliberations with the eminent legal experts.
		To attend International Bar Association Conference	October 4-9, 2010 Vancouver [Canada]	Represented CCI in the international forum and had peer review and deliberations with the eminent legal experts.

Competition Commission of India

S.No.	Name of Officer & Designation	Purpose of foreign visit	Duration of visit & Place(s) / Country (ies) visited	Outcome achieved
		To participate in the "Working Party Meetings of OECD on Competition Issues; 2011 February Session of Competition Committee of OECD and 10 <sup>th</sup> OECD Global Forum on Competition.	February 14-18, 2011 Paris [France]	Represented CCI in the international forum, had peer review and held deliberations with the experts of legal field from matured jurisdictions.
		Competition Committee of OECD and 10 <sup>th</sup> OECD Global Forum on Competition.		peer review and held deliberations with the experts of legal field from matured jurisdictions.

## M. CAPACITY BUILDING

### 1. Training in India

Nature of work in a competition authority is of very specialized nature and involves a combination of analytical and investigative skills apart from technical knowledge. Accordingly, the main focus of the capacity building is on supporting the officers of the Competition Commission of India, in acquiring necessary and relevant skills in order to assist the Commission in fulfilling its mandate under the Competition Act, 2002. In this regard, 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 initiatives undertaken are provided below:

Table 26: Trainings in India during 2010-11

S.No	Training	Duration	Content	Faculty	Venue
1	Induction Training Program	24 – 28 May 2010	Introduction to Competition Law to New Joinees	Competition Commission of India	CCI
2	Induction Training Program	9 – 11 August 2010	Introduction to Competition Law to New Joinees	Competition Commission of India	CCI
3	The Process of Merger Review: A Practical Guide	15-17 July 2010	Investigative Techniques	DG Competition, EU	CCI
4	Abuse of Dominance Investigation: Planning & Conducting	2 -5 August 2010	Abuse of Dominance	U.S.Federal Trade Commission	CCI
5	Horizontal Restraints: Investigation: Planning & Conducting	16-19 August 2010	Horizontal Restraints	U.S.Federal Trade Commission	CCI

	Training	Duration	Content	Faculty	Venue
6	Merger Investigation: Planning & Conducting	30 August - 3 September 2010	Merger	U.S.Federal Trade Commission	CCI
7	Competition Law: Principles, Problems & Lessons Learned	1-2 November 2010	General	American Bar Association and International Bar Association	CCI
8	Addressing the challenges: An International perspective	16 November 2010	General	OECD	CCI
9	Competition Enforcement : Discussion	20 November 2010	General	Prof .Daniel Sokol – UCL	CCI
10	Seminar on Abuse of Dominance	23 -25 March 2011	Abuse of Dominance	OECD - Korea Policy Center	CCI

## 2. Trainings & Internship outside India

Table 27: Trainings and Internships outside India during 2010-11

	Training	Duration	Institute	Venue
1	Advance Professional Programme on Competition Law by EU	31 May– 04 June 2010	D G Comp	Brussels/ Belgium
2	Workshop on Price related abuse of dominance	14 – 18 September 2010	OECD -Korea Policy Center	Seoul/Korea
3	Cartel Workshop	4-7 October 2010	International Competition Network (ICN)	Yokohama/Japan
4	Workshop on Competition Law and Banking Sector	20 – 22 October 2010	OECD -Korea Policy Center	Seoul/Korea
5	Competition Workshop US –India Business Council	25 - 29 October 2010	U.S.F.T.C	Washington/USA

	Training	Duration	Institute	Venue
6	International Competition Network Workshop on Mergers	3-4 November 2010	ICN & Italian Competition Authority	Rome
7	Cartel Enforcement & International Cooperation among competition agencies	24- 25 November 2010		Jakarta / Indonesia
8	Investigation Techniques	1 -3 December 2010	OECD	Busan/South Korea
9	ICN Unilateral Conduct Workshop	2 -3 December 2010	D G Comp	Brussels/Belgium
10	Merger Review in Ireland	20 Sept - 3 December 2010	Competition Authority of Ireland	Dublin/Ireland

### 3. Trainings in India (Details)

#### (i) Induction Training Program – 24<sup>th</sup> to 28<sup>th</sup> May 2010

Induction Training program was conducted for four days for the direct recruits and officers on deputation. The content of the course were overview of competition law, economics concepts, financial concepts, anti competitive agreements, abuse of dominance, law & economics of merger review, ethics & confidentiality, competition advocacy etc. The details of participation are given in the Tables below:

Designation	Number
Advisor	1
Director	1
Joint Director	6
Deputy Director	10
Assistant Director	5
Office Manager	3
Grand Total	26

Field	Number
CS	5
Eco	3
F & A	1
FA	5
IT	2
Law	10
Grand Total	26

Division	Number
Accounts	1
Administration	1
Advocacy	5
Anti Trust	5
Capacity Building	3
Combinations	1
D.G. Office	1
HR	2
Investigations	3
Legal	3
Secretariat	1
Grand Total	26



*(ii) Induction Training Program – 9<sup>th</sup> to 11<sup>th</sup> August 2010*

Second Induction Training program was held in the month of August 2010 for three days for the direct recruits and officers on deputation who had joined after the completion 1<sup>st</sup> Induction Training program. The content of the course were similar to earlier Induction program and additional topics like competition economics, office procedure, etc were included.

Designation	Number
Director	1
Additional DG	1
Joint DG	1
Joint Director	1
Deputy Director	4
Assistant Director	4
Additional DG	1
Office Manager	5
Grand Total	18

Field	Number
CS	9
Eco	3
FA	1
IT	1
Law	4
Grand Total	18

Division	Number
Advocacy	3
Anti Trust	1
Capacity Building	1
Combinations	1
D.G. office	6
Economics	2
Legal	3
Secretariat	1
Grand Total	18

*(iii) The Process of Merger Review: A Practical Guide – 15<sup>th</sup> to 17<sup>th</sup> July 2010*

A training workshop for three days was conducted by persons from European Commission for officers of CCI. The faculty consisted of Dr. Stanley Wong , Member , The Competition Authority Ireland, Mme Daniele Smadja, Ambassador Head of Delegation of the European Union to India, Ms Caroline Frydenberg, Head of Section Danish Competition Authority , Copenhagen & Mr. Enrique Gonzalez Diaz , Partner Clearly, Gottlieb , Steen & Hamilton LLP, Brussels.

The content of the training was merger review process from notification filing to decision, notification filing : contents & their purpose, perspective of merging parties & their advisors, practical guidance for merging parties, information gathering from merging parties, drafting the decision , releasing the decision etc.

Designation	Number
Advisor	3
Director	1
Additional DG	1
Joint Director	3
Joint DG	1
Deputy Director	9
Assistant Director	2
Grand Total	20

Field	Number
CS	2
Eco	6
FA	6
Law	6
Grand Total	20

Division	Number
Advocacy	2
Anti Trust	3
Capacity Building	1
Combinations	5
D.G. office	3
Economics	2
H R	1
Investigation	2
Secretariat	1
Grand Total	20

*(iv) Abuse of Dominance Investigation: Planning & Conducting – 2<sup>nd</sup> to 5<sup>th</sup> August 2010*

The United States Federal Trade Commission (USFTC) had conducted the program for four days with a focus on developing practical skills for planning and conducting investigations of abuses of dominant case. The content of the seminar was legal analysis of abuse of dominance, economics concepts on abuse of dominance (AOD) analysis, remedies in AOD cases, planning & conducting investigation techniques etc.

Designation	Number
Director General	1
Director	1
Additional DG	3
Joint Director	3
Joint DG	1
Deputy Director	7
Grand Total	16

Field	Number
Eco	2
FA	4
General	1
Law	9
Grand Total	16

Division	Number
Anti Trust	2
Capacity Building	2
D.G. office	6
Economics	1
Investigation	1
Legal	3
Secretariat	1
Grand Total	16

*(v) Horizontal Restraints Investigation: Planning & Conducting – 16<sup>th</sup> to 19<sup>th</sup> August 2010*

The USFTC had conducted four day seminar focused on developing the practical skills for planning and conducting investigation of anticompetitive horizontal agreement. The faculty was Nicholas J. Franczyk, Counsel for International Technical Assistance, Federal Trade Commission and his group. The course content was legal analysis of horizontal agreement, economics concepts in analysis of horizontal agreement, planning & conducting investigation techniques, drafting & reviewing document requested, administrative aspects of case handling at FTC, etc.

Designation	Number
Director General	1
Advisor	1
Director	3
Additional DG	3
Joint Director	2
Joint DG	1
Deputy Director	5
Deputy DG	1
Assistant Director	1
Grand Total	18

Field	Number
CS	1
Eco	3
FA	4
General	1
Law	9
Grand Total	18

Division	Number
Anti Trust	3
Capacity Building	3
D.G. Office	6
Economics	2
Investigation	1
Legal	2
Secretariat	1
Grand Total	18

*(vi) Merger Investigation: Planning & Conducting – 30<sup>th</sup> August to 3<sup>rd</sup> September 2010*

USFTC conducted a five day seminar focused on developing the practical skills for planning and conducting an efficient and effective investigation of a proposed merger. The course contents were premerger notification, market definition in merger investigation, legal framework for analyzing mergers, planning & conducting merger investigation, analysis of efficiencies in merger investigation etc.

Designation	Number
Director General	1
Advisor	3
Director	1
Additional DG	1
Joint Director	4
Joint DG	1
Deputy Director	9
Assistant Director	1
Grand Total	21

Field	Number
CS	1
Eco	7
FA	5
General	1
Law	7
Grand Total	21

Division	Number
Advocacy	2
Anti Trust	3
Capacity Building	1
Combinations	5
D.G. Office	4
Economics	2
Investigation	2
Legal	1
Secretariat	1
Grand Total	21



CCI Officers attending a workshop on competition issues

*(vii) Competition Law: Principles, Problems & Lessons Learned – 1<sup>st</sup> to 2<sup>nd</sup> November 2010*

A two day workshop was conducted by American Bar Association & International Bar Association. The faculty was Ted Voorhees, David Smutny, David Stewart, Pamela Harbour, Dan Swanson from American Bar Association and Michael Reynolds, Tony Reeves, Mike Yeh, Dave Poddar, Jose Regazzini, Marc Reysen, Pieter Steyn, Jonas Koponen from International Bar Association. The course content included merger process, cross-border M&A, cartels/enforcement via criminalization/detection via leniency, transparency, procedural fairness, sectoral regulation and competition, the internet and antitrust & dominance/unilateral conduct.

Designation	Number
Secretary	1
Director General	1
Advisor	6
Director	5
Additional DG	3
Joint Director	9
Joint DG	2
Expert	2
Grand Total	29

Field	Number
Eco	9
FA	4
General	2
Law	14
Grand Total	29

Division	Number
Advocacy	1
Anti Trust	4
Capacity Building	2
Combinations	2
D.G. Office	5
D.G. Office	1
Economics	4
Investigation	2
Legal	5
Secretariat	3
Grand Total	29

*(viii) Addressing the challenges: An International perspective – 16<sup>th</sup> November 2010*

A one day seminar was conducted on addressing the challenges: an international perspective in collaboration with OECD. Faculty was Ms. Carole Begent, Deputy Chief Legal Adviser and Head of International, UK Competition Commission, Ms. Hilary Jennings, Head of Outreach Competition Division, OECD & Mr. Shan Ramburuth, Commissioner, Competition Commission South Africa. The content of the seminar was implementing a new merger regime, implementing competition law – the South African experience, etc.

Designation	Number
Secretary	1
Director General	1
Advisor	6
Director	5
Joint Director	9
Deputy Director	18
Grand Total	40

Field	Number
Eco	9
FA	9
General	2
Law	20
Grand Total	40

Division	Number
Advocacy	3
Anti Trust	6
Capacity Building	5
Combinations	5
D.G. Office	1
Economics	4
Investigations	3
Legal	7
Secretariat	6
Grand Total	40

### *(ix) Competition Enforcement: Discussion – 20<sup>th</sup> November 2010*

One day seminar was held on Competition Enforcement: Discussion in collaboration with Prof .Daniel Sokol from University of Florida. The content of the discussion were impact of competition law enforcement on economy , assessment of dominance in regulated markets & role of intellectual property, merger & acquisition – working through the process of merger notification.

Designation	Number
Secretary	1
Director General	1
Advisor	6
Director	5
Joint Director	9
Deputy Director	18
Assistant Director	2
Expert	7
Grand Total	49

Field	Number
CS	2
Eco	12
FA	9
General	2
Law	24
Grand Total	49

Division	Number
Advocacy	3
Anti Trust	6
Capacity Building	5
Combinations	5
D.G. Office	1
Economics	8
Investigations	3
Legal	11
Secretariat	7
Grand Total	49

### *(x) Seminar on Abuse of Dominance – 23<sup>rd</sup> to 25<sup>th</sup> March 2011*

A three day seminar on Abuse of Dominance was conducted in collaboration with OECD Korea Policy Center. Mr. Jae Young Kang, General Director of the competition program, Mr. Nick Taylor, Dr. Mark Niefer, Ms. Michelle Ahn, Mr. Seugkyu Lee, Mr. Dag Johansson had taken up the session. The content was overview of law, economics and investigative challenges in the area of abuse of dominance, defining relevant market, establishing whether a firm is dominant etc.

Designation	Number
Advisor	5
Director	2
Addl. D.G	2
Joint Director	6
Joint D.G	1
Deputy Director	13
Deputy DG	1
Grand Total	30

Field	Number
Eco	7
FA	9
Law	14
Grand Total	30

Division	Number
Advocacy	2
Anti Trust	4
Capacity Building	4
Combination	4
D.G. Office	4
Economics	4
Investigations	2
Legal	2
Secretariat	4
Grand Total	30



Seminar on Abuse of Dominance by OECD – Korea Policy Center

## 4. Trainings & Internships outside India (Details)

### (i) Advance professional program on competition law – 31<sup>st</sup> May to 4<sup>th</sup> June 2010

An advance professional program on competition law was conducted by European Commission in Brussels for five days. Investigations of cartels, leniency – theoretical framework & practical issues, forensic IT, transparency/disclosure & access to documents, inter –agency cooperation etc. etc were content of the program.

Designation	Number
Director General	1
Advisor	2
Director	3
Joint Director	3
Deputy Director	4
Assistant Director	1
Office Manager	1
Grand Total	15

Field	Number
CS	1
Eco	4
FA	2
General	1
IT	1
Law	5
LS	1
Grand Total	15

Division	Number
Advocacy	2
Anti Trust	1
Capacity Building	3
Combinations	2
D.G.Office	1
Economics	3
Legal	1
Secretariat	2
Grand Total	15

### (ii) Price related abuse of dominance – 14<sup>th</sup> to 18<sup>th</sup> September 2010

A four day workshop on price related abuse of dominance was conducted by OECD – Korea Policy Center in Seoul. The content of the program were overview on abuse of dominance cases related to pricing, sector regulation and competition law enforcement, predatory pricing issues, predatory pricing issues etc.

Designation	Field	Division	Number
Deputy Director	FA	Anti Trust	1

### (iii) Cartel workshop – 4<sup>th</sup> -7<sup>th</sup> October 2010

A four day workshop was conducted by International Competition Network (ICN) in Japan on Cartel. The content of the program were detection of cartel, settlements & sentencing, the recovery act: antitrust enforcement effort etc.

Designation	Field	Division	Number
Director	Law	Anti Trust	2
Addl. D.G	Law	D.G. Office	

*(iv) Workshop on competition law and banking sector – 20<sup>th</sup> to 22<sup>nd</sup> October 2010*

A three day workshop was held in Seoul conducted by OECD – Korea Policy center. The content of the workshop were banking cartels, market definition for merger analysis in the banking industry, economics, policy and law of two sided payments systems markets etc.

Designation	Field	Division	Number
Joint Director	FA	Investigation	1

*(v) Competition Workshop US –India Business Council – 25<sup>th</sup> to 29<sup>th</sup> October 2010*

Five day workshop was conducted by US –India Business Council in Washington. The sessions were conducted on competition advocacy, mergers, cartel, horizontal & vertical restraints etc.

Designation	Number
Advisor	2
Addl..D.G	1
Director	2
Joint Director	3
Deputy Director	4
Grand Total	12

Field	Number
Eco	3
FA	4
Law	6
Grand Total	12

Division	Number
Anti Trust	2
Capacity Building	2
Combinations	1
D.G.Office	1
Economics	2
Investigation	2
Legal	2
Grand Total	12

*(vi) Workshop on Mergers – 3<sup>rd</sup> -4<sup>th</sup> November 2010*

Two day workshop on mergers was conducted by International Competition Network (ICN) & Italian Competition Authority in Rome. Merger Workshop, which focused on merger enforcement trends, economic analysis in merger review and merger investigations.

Designation	Field	Division	Number
Joint Director	Law	Combinations	1

*(vii) Cartel enforcement & international cooperation -24<sup>th</sup> to 25<sup>th</sup> November 2010*

A two day seminar among competition agencies was conducted by Taiwan Fair Trade Commission in Jakarta. The seminar was a form of sharing knowledge and experiences among the institutions in the Asia-Pacific competition.

Designation	Field	Division	Number
Secretary	General	Secretariat	2
Addl..D.G	Law	D.G. Office	



*(viii) Workshop on Investigation Techniques 1<sup>st</sup> - 3<sup>rd</sup> December 2010*

A three day workshop on investigation techniques was conducted by OECD in Busan (South Korea). Content of the workshop were planning & managing an investigation, collecting information from public sources & third parties, interviewing witnesses etc.

Designation	Field	Division	Number
Joint D.G.	FA	D.G. Office	1

*(ix) Unilateral conduct workshop – 2<sup>nd</sup> -3<sup>rd</sup> December 2010*

ICN Unilateral Conduct Workshop was conducted in Brussels. The content of the workshop were analytical framework for analyzing unilateral conduct, analyzing competitive effects, designing & implementing remedies etc.

Designation	Field	Division	Number
Director	Economics	Economics	2
Deputy Director	Law	Capacity Building Division	

*(x) Merger Review in Ireland – 20<sup>th</sup> September to 3rd December 2010*

An officer from CCI was sent to Competition Authority of Ireland in Dublin for internship for three months to have hands on knowledge and working of live merger cases. Cases from pharmaceuticals sector, FMCG sector, banking etc were reviewed during the period of internship.

Designation	Field	Division	Number
Deputy Director	Economics	Combinations	1

## N. ONGOING PROGRAMMES

---

- Efforts are being made to fill up all vacant posts in CCI and DG office by Deputation/Direct Recruitment, as the case may be.
- E-Governance programme which envisage to include work management, document management, internal and external correspondence system, web enabled services, web portals etc. was carried forward during the year.
- The website of the Commission was refurbished during the year for making it more informative. It is being updated constantly. All the orders of the Commission and information about events are uploaded on the website instantly.

## O. RIGHT TO INFORMATION ACT, 2005

Table 28: Status of RTI Applications during 2010-11

a.	Number of application received by CPIO/CAPIO seeking information under RTI Act, 2005	74
b.	Number of applications for which information has been provided by CPIO	71
c.	Number of applications pending with CPIO	03
d.	Number of Appeals filed before First Appellate Authority against the order of CPIO	18
e.	Number of Appeals which have been disposed of by the First Appellate Authority.	18
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.