

INDIA			
COMPETITION FRAMEWORK			
Competition Law	The Competition Law was enacted in 2002 and amended in 2007.		
Competition Authority	The Competition Commission of India ("CCI") started functioning in October 2003. <b>Website:</b> <a href="http://www.cci.gov.in/">http://www.cci.gov.in/</a>		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
Does the Competition Authority have obligations before the legislature?	No	X	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		<b>Other obligations/comments:</b> The Central Government -by notification- shall establish an Appellate Tribunal, the Competition Appellate Tribunal. If not satisfied, a party can appeal to the Supreme Court.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes		
Does the executive have powers to decide on specific cases based on public interest?	Yes		The Central Government has the power to supersede Commission. <i>See</i> Competition Law, article 56.
Does the executive retain decision-making powers over the Competition Authority?	Yes		The Central Government—by notification—appoints a Director General for the purposes of assisting the CCI.
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		The chairperson acts together with six members of the Commission.
Are the heads appointed by a minister?	Yes		By the Central Government.
Are the heads appointed by representatives of more than one government branch?	Yes		The chairperson and other members of the commission shall be appointed by the Central Government from a panel of names recommended by a selection committee consisting of: Chief Justice of India or nominee; Secretary in the Ministry of Corporate Affairs; Secretary in the Ministry of Law and Justice; two experts of reputation who have special knowledge of, and professional experience in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs or competition matters including competition law and policy.
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes		
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency		The head office of the CCI shall be at such a place as the Central Government may decide from time to time.
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for	One agency.		

competition enforcement?			
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: N/A	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes		
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		
Does the Competition Authority have powers to accept leniency applications?	Yes		
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	Mainly by fines.	
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	The wording in the law is that the Central and State government may make a reference to the CCI for its opinion.	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes		
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		
Can the Competition Authority's decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		