

PRESS RELEASE ON 257th REPORT OF COMMITTEE ON SUBORDINATE LEGISLATION, RAJYA SABHA

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257th Report of the Committee on Subordinate Legislation, Rajya Sabha on the (i) Competition Commission of India (Commitment) Regulations, 2024 ; (ii) Competition Commission of India (Settlement) Regulations, 2024; (iii) Competition Commission of India Determination of Turnover or Income) Regulations, 2024; and (iv) Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024

The Committee on Subordinate Legislation, Rajya Sabha, headed by Shri Milind Murli Deora, M.P., presented its 257th Report on the (i) Competition Commission of India (Commitment) Regulations, 2024 (ii) Competition Commission of India (Settlement) Regulations, 2024 (iii) Competition Commission of India (Determination of Turnover or income) Regulations, 2024; and (iv) Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024 on the 21st July, 2026 to the Rajya Sabha.

During the course of its examination, the Committee had detailed deliberations on the Regulations and heard the views and submissions of the representatives of the Ministry of Corporate Affairs and the Competition Commission of India (CCI).

The Report of the Committee is available on the Rajya Sabha Website <https://sansad.in/rs/committees/12?sanding-committees>.

The Recommendations/Observations of the Committee have been annexed for reference.

Annexure

RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE – AT A GLANCE

Periodical review of the Competition law framework and regulations

1. The Committee recommends that the Ministry and CCI should undertake a periodical review of the regulatory architecture of the whole gamut of the competitive law framework. The Committee recommends that the reviews should involve comprehensive stakeholder consultations and systematically benchmark the domestic framework against global best practices so as to ensure that the Indian market remains competitive, fair, and aligned with global standards. The Committee feels that competition laws should keep up with the pace of change, especially in the digital era and that they must be updated from time to time to deal more effectively with new problems and specific challenges.

Para 9 (9.2)

Decline in *suo motu* cases and the need for advocacy and outreach

2. While noting that the public awareness regarding competition law has increased with the times, the Committee is of the view that much more needs to be done in this direction. The Committee also notes that the effective enforcement of competition law will be further enhanced by strong awareness among market

participants. The Committee further observes that Micro, Small and Medium Enterprises (MSMEs), start-ups, and emerging businesses often require greater awareness of competition law principles and regulatory processes to enable them to participate effectively in competitive markets. The Committee recommends that the Competition Commission of India (CCI) continue to strengthen its advocacy and outreach initiatives through deeper engagement with industry chambers, trade associations, and business bodies, with particular focus on Micro, Small and Medium Enterprises (MSMEs), start-ups and the general public as well.

The Committee is of the view that such initiatives would contribute to promoting voluntary compliance and fostering a culture of competition across sectors. The Committee feels that by aggressively publicizing the commercial benefits, procedural timelines, and litigation savings of these mechanisms, the Commission will incentivize voluntary compliance in corporate entities. It will also enable the general public to report on the instances of violation of anti-competitive agreements and abuse of dominant position. CCI should also continue to use its *suo motu* powers if the need arises.

Para 9 (9.4 &9.5)

Protection to small businesses, MSMEs, Start-ups, etc. and vigorous enforcement of competitive laws and regulations

3. The Committee is of the view that monopolies affect the least advantaged the most, in this case, the small businesses, MSMEs, Start-ups, etc. While noting that small businesses, MSMEs, Start-ups etc. should be able to depend upon a steady and vigorous enforcement of the competitive laws to safeguard their ability to compete, the Committee recommends that CCI must provide adequate protection to them and ensure that the laws must be enforced with much greater vigour to ensure that the least advantaged are not further disadvantaged by unfair or anticompetitive conduct. The Committee is of the view that vigorous antitrust enforcement is indispensable to foster free competition and innovation in the marketplace.

Para 9 (9.6)

Repeated contraventions

4. The Committee notes with concern the issue of repeated contraventions of competition laws and regulations by corporate entities. Such repeated contraventions risk being internalized as a mere "cost of doing business," thereby severely undermining the deterrent effect of the laws and regulations.

In view of this, the Committee feels that CCI should vigorously enforce the Determination of Monetary Penalty Guidelines, which provide for repeated contraventions as an aggravating factor, so as to ensure deterrence for future offences.

Para 9 (9.8)

Recovery of penalties

5. The Committee is happy to note that the CCI has achieved an impressive recovery rate of over 98% of the penalties that remain legally enforceable/realizable. However, the fact that a substantial portion of the penalties imposed by CCI has been stayed or quashed on appeal suggests a need to further strengthen the robustness of investigations, evidence gathering, and penalty assessment. The Committee recommends that steps should be taken in this regard which could help improve the sustainability of CCI orders during judicial scrutiny and enhance the overall effectiveness of the process.

Para 9 (9.10)

6. The Committee notes that the Penalty Guidelines, 2024 provides the methodology for determination of the penalty amount for contravention of various Sections of the Competition Act, 2002. To foster transparency, the Committee recommends that the Guidelines should be enforced rigorously and CCI should provide the detailed methodology in its orders as to how the penalty amount is calculated.

Para 9 (9.11)

Capacity Building and Skill Development

7. The Committee notes that rapid technological advancements, digitalisation and the emergence of new-age markets have significantly increased the complexity of competition assessment and enforcement. The Committee further observes that continuous capacity building is essential to equip officers with the knowledge and skills required to address evolving market realities effectively. The Committee, therefore, recommends that the Competition Commission of India (CCI) should continue to strengthen its capacity-building efforts through structured training programmes for its officers, with particular focus on emerging technologies, contemporary competition issues, and international best practices. The Committee is of the view that such efforts would enhance the institutional capabilities of the Commission and enable it to effectively address increasingly complex competition challenges.

Para 9 (9.12 & 9.13)

Inter-Regulatory Coordination

8. The Committee notes that several competition issues in the modern economy cut across sectors that are regulated by different statutory and sectoral regulators. The Committee further notes that the Competition (Amendment) Act, 2023 provides an enabling framework for enhanced cooperation and coordination between the Competition Commission of India (CCI) and other regulators. The Committee, therefore, recommends that the CCI may explore institutional mechanisms for cooperation with sectoral regulators, including entering into Memoranda of Understanding, wherever appropriate. Such collaborative arrangements may facilitate information-sharing, promote policy coherence, and regulatory coordination in matters of common interest.

Para 9 (9.14 & 9.15)

Market Studies

9. The Committee notes that market studies play an important role in enhancing the understanding of market structures, business practices, emerging trends and competition concerns. The Committee further observes that such studies provide valuable inputs for informed enforcement, advocacy and policy formulation. The Committee, while appreciating the market studies undertaken by the Competition Commission of India (CCI) from time to time, recommends that the Commission continue to undertake such studies in a structured and regular manner. The Committee is of the view that this would further strengthen evidence-based decision-making and contribute to the development of competitive and efficient markets.

Para 9 (9.16)

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