

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

**RAJYA SABHA
STARRED QUESTION NO. 201
ANSWERED ON TUESDAY, THE 08th AUGUST 2023 / SRAVANA 17, 1945 (Saka)**

DATA SHARING FOR LEVEL PLAYING FIELD

QUESTION

*201 SHRI ANEEL PRASAD HEGDE:

Will the Minister of CORPORATE AFFAIRS be pleased to state:

- (a) whether Government is considering to make it mandatory for big techs to share their large pool of non-personal data with new startups and other small organizations in order to have level-playing field, in the absence of data protection laws and ineffective enforcement of competition legislation;
- (b) the steps being taken to ensure level-playing field for digital startups that face challenges from big-tech monopolies; and
- (c) the number of meetings held and the subjects deliberated upon, since the constitution of the Committee on Digital Competition Law in February 2023?

ANSWER

THE MINISTER OF FINANCE
AND CORPORATE AFFAIRS

(SHRIMATI NIRMALA SITHARAMAN)

(a) to (c) A statement is laid on the Table of the House.

STATEMENT REFERRED TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION NO. 201 FOR 08.08.2023 REGARDING DATA SHARING FOR LEVEL PLAYING FIELD

(a) & (c): On the recommendations of the Parliamentary Standing Committee on Finance on Anti-Competitive Practices by Big Tech Companies, the Government of India has constituted a Committee on Digital Competition Law (CDCL) on 06.02.2023 to examine the need for a separate law on competition in digital markets. The Terms of Reference (ToR) of the CDCL, inter-alia, include, (a) to review whether existing provisions in the Competition Act, 2002, and the Rules and Regulations framed thereunder are sufficient to deal with the challenges that have emerged from the digital economy; (b) to examine the need for an ex-ante regulatory mechanism for digital markets through a separate legislation; (c) to study the international best practices on regulation in the field of digital markets; (d) to study other regulatory regimes/ institutional mechanisms/ government policies regarding competition in digital markets; (e) to study the practices of leading players/ Systemically Important Digital Intermediaries (SIDIs) which limit or have the potential to cause harm in digital markets; and (f) any other matters related to competition in digital markets as may be considered relevant by the Committee.

CDCL has held 11 meetings since its constitution. Representatives from various big-tech companies, industry associations and research bodies have made presentations and submissions before CDCL including on the competitive advantage that data can give to Big tech companies. Report of CDCL is yet to be submitted to the Government.

(b): In order to ensure level playing field in the market, the Competition Act, 2002 ('the Act') was enacted establishing Competition Commission of India (CCI) to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect interests of consumers and to ensure freedom of trade carried on by other participants in markets. Since its inception, CCI has been enforcing the Act and promoting fair competition in the markets. It has issued orders against entities, including big technology firms that have violated the provisions of the Act, imposing monetary penalties besides issuing other remedies, to address market distortions.
