

THE COMPETITION COMMISSION OF INDIA

NOTIFICATION

The Competition Commission of India (Procedure for Engagement of Experts and Professionals) Regulations, 2009 (No.1 of 2009)

New Delhi, the 15 day of May. 2009

No R-40007/6/ Reg- Expert/ Noti/ 04- CCI - In exercise of the powers conferred by clause (d) sub-section (2) of section 64, read with sub-section (3) of section 17 of the Competition Act, 2002 (12 of 2003) the Competition Commission of India hereby makes the following regulations, namely: –

1. Short title and commencement.–

- (1) These regulations may be called the Competition Commission of India (Procedure for Engagement of Experts and Professionals) Regulations, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.–

- (1) In these regulations, unless the context otherwise requires, –
 - (a) “Act” means the Competition Act, 2002 (12 of 2003);
 - (b) “Chairperson” means the Chairperson of the Commission appointed under sub-section (1) of section 8 of the Act;
 - (c) “Commission” means the Competition Commission of India established under sub-section (1) of section 7 of the Act;
 - (d) “Director General” means the Director General appointed under sub-section (1) of section 16 of the Act and includes any Additional, Joint, Deputy or Assistant Directors General appointed under that section ;
 - (e) “expert or professional” for the purpose of these regulations means a person of integrity and outstanding ability having special knowledge of, and experience in, economics, law, business or such other discipline related to competition as the Commission deems necessary to assist it in discharge of its functions under the Act;
 - (f) “Secretary” means the Secretary appointed under sub-section (1) of section

17 of the Act and includes an officer of the Commission authorized by the Chairperson to function as Secretary;

- (2) Words and expressions used but not defined in these regulations shall have the same meanings respectively assigned to them in the Act or in the Companies Act, 1956 (1 of 1956), as the case may be.

3. Engagement of experts and professionals. –

The Commission may engage such number of experts and professionals in the fields of economics, law, business or such other disciplines related to competition, as it may deem fit.

4. Functions of experts and professionals.–

The experts and professionals engaged by the Commission shall discharge such functions as directed by the Chairperson, in assisting the Commission.

5. Qualifications, experience and classification of experts and professionals. –

- (1) The experts and professionals to be engaged shall be classified on the basis of their qualifications and experience in the respective fields of specialization and/or the eminence in their professions as given in Schedule I:

Provided that the Commission may also engage experts and professionals from any other discipline as deemed necessary to assist the Commission in the discharge of its functions under the Act.

- (2) Subject to sub-regulation (1) and depending upon the qualification, specialization and experience in respective disciplines, the experts shall be categorized into five levels as given in Schedule II.

6. Remuneration payable to experts and professionals. –

The remuneration to be paid by the Commission to different categories of experts and professionals shall be in accordance with Schedule III:

Provided that the Commission may, for reasons to be recorded in writing, agree to pay higher remuneration than those given in Schedule III, in specially deserving cases.

7. Evaluation of performance.–

The performance of each expert and professional engaged under these regulations, with reference to the tasks assigned and output delivered, shall be reviewed periodically, within such time and manner, as may be specified by the Commission.

8. Procedure of selection of experts and professionals. –

- (1) The experts and professionals shall ordinarily be engaged by the Commission on contractual basis for not less than three months and not more than three years.
- (2) The Commission may decide, from time to time, the number of the experts and professionals to be engaged.
- (3) After the number of the experts and professionals to be engaged is decided, as mentioned in sub-regulation (2), the Secretary shall publish the number of the

experts and professionals to be engaged with details of qualifications, experience needed and the remuneration payable on the official website of the Commission and invite applications for each category and level of expert and professional giving a stipulated last date for the receipt of the applications for each category and level:

Provided that the Secretary may also invite the applications by suitable public notice, for each category and level of expert and professional.

- (4) The Commission shall constitute a selection board for each category of expert and professional. The Commission may invite eminent experts having special knowledge and experience in the relevant field to join the selection boards.
- (5) The Secretary shall scrutinize the applications in accordance with these regulations and prepare lists of eligible candidates for each category to be called for interview and submit a report to the Commission.
- (6) The selection boards mentioned in sub-regulation (4) shall be convened with the approval of the Chairperson for each category and the Secretary shall notify the date and the venue of the interview to the short listed eligible candidates sufficiently in advance.
- (7) The recommendations of each selection board regarding engagement for each category shall be placed by the Secretary before the Commission for decision.
- (8) On approval of the engagements by the Commission as mentioned in sub-regulation (7), the Secretary shall inform each candidate in writing by an offer letter of engagement giving not less than ten days time to accept the offer of engagement.
- (9) After receipt of acceptance from the selected candidates as per sub-regulation (8), the Secretary shall issue letter of engagement to each candidate giving not less than thirty days time to join:

Provided that the joining time may be extended by the Secretary on being satisfied that extension is sought on circumstances beyond the control of the individual candidate.

- (10) The Secretary shall inform the number of selected candidates who have joined in the next meeting of the Commission and obtain approval of the Commission to restart the process of selection to fill up the shortfalls, if any, in the total number of experts and professionals decided to be engaged as per sub-regulation (2).

9. Terms and condition of engagement of experts and professionals. –

- (1) The expert and professionals on having accepted the offer of engagement, shall enter into a contract, also having the confidentiality clause, with the Secretary, acting on behalf of the Commission, detailing the terms and conditions of engagement, before being assigned any work.
- (2) The terms and conditions of engagement may be modified, in a specific case, where the Commission deems it necessary.
- (3) Without prejudice and in addition to the legal remedies available to the Commission, the breach of agreement executed under sub-regulation (1) by or on behalf of any expert or professional shall be considered a sufficient ground for termination of the engagement made under contract and may further debar such expert or

professional from future engagement by the Commission.

10. Power to relax. –

The Commission may relax such restrictions imposed in these regulations as may be deemed necessary in the discharge of its functions under the Act.

11. Removal of difficulties. –

In the matter of implementation of these regulations, if any doubt or difficulty arises, the same shall be placed before the Commission and the decision of the Commission shall be final.

Schedule I
(See regulation 5)

Class of Expert and professional	Qualifications	Experience
Economist	Essential - Post Graduate degree in Economics from either a recognized University in India or abroad, with specialization in Industrial Economics/Industrial Organization/International Trade/ Econometrics//Mathematical Economics/Quantitative Economic methods/Law and Economics. Desirable – (i)Consistent high academic performance. (ii)A doctoral degree, from a reputed University/Institution in India or from a University or Institution duly recognized in India, in Economics in the area of competition policy or closely related areas.	In analysis of microeconomic problems, including International trade, investment, project evaluation and appraisal, industrial organization, Industrial economics or economic regulation including competition assessment, using quantitative economic techniques in government, public sector, private sector, Non Governmental Organizations or regulatory authorities or regional/international/multilateral organization(s) Or, - in universities/reputed research institutions, as Professor/ Reader/ Lecturer in of Microeconomics/ Industrial Economics/Industrial Organization/International trade/Econometrics/Mathematical Economics/Quantitative Economic methods or closely related subjects.
Law	Essential – (i)Degree of LL.B or equivalent from a recognized University and/or Institute in India or abroad, recognized by the Bar Council of India. (ii)Qualified to be registered as an advocate in any State Bar Council of India in terms of Advocate's Act, 1961, Desirable – Higher qualification with specialization in competition law or	Experience in judicial or legal work, in Supreme Court, High Court or any other court, government or a Regulatory Authority or a Tribunal or any similar forum. Or, Professor/Reader/Lecturer of Law of any recognized University/Professional Institute of India or abroad with specialization in teaching competition law, Or, Legal Manager or above in the Corporate sector having experience of

	regulatory laws or laws relating to Intellectual Property Rights or International Trade Laws.	handling acquisitions, mergers& amalgamations etc. under competition law.
Chartered Accountant	Essential – Chartered Accountant in terms of the Chartered Accountants Act, 1949 (38 of 1949). Desirable – Chartered Accountants having qualified the Post qualification course in International Trade Laws and WTO with competition law as a subject.	Must have worked as a Chartered Accountant in reputed organization handling financial ventures of large enterprises or undertakings. Desirable – Experience of handling acquisitions, mergers& amalgamations etc. under competition law.
Cost Accountant	Essential – Cost and Works Accountants in terms of the Cost and Works Accountants Act, 1959(23of 1959). Desirable – Post membership qualification in competition law or related areas.	Must have worked as a Cost and Works Accountant in reputed organization handling business ventures of large enterprises or undertakings. Desirable – Experience of handling acquisitions, mergers& amalgamations, etc. under competition law.
Company Secretary	Essential – Company Secretary in terms of the Company Secretaries Act, 1980 (56 of 1980). Desirable – Company Secretaries having qualified the Post Membership Qualification (PMQ) course in Corporate Governance including competition law as a subject	Must have worked as a Company Secretary in reputed organization handling financial ventures of large enterprises or undertakings. Desirable – Experience of handling acquisitions, mergers & amalgamations, etc. under competition law.
Business Management	Essential - Post graduate degree and/ or Post graduate diploma in Master of Business Management from a recognized University in India or from a foreign University, duly recognized by a competent authority in the country, with specialization in financial management and having experience in applying principles of financial management to the conduct of business Desirable – Higher qualifications with consistent excellent academic record.	Must have worked as a Business Manager or Financial Manager in reputed organization handling financial ventures of large enterprises or undertakings or Professor/Reader/Lecturer of Business Management of any recognized University/Professional Institute of India or abroad . Desirable: Experience of handling acquisitions, mergers,, amalgamations, etc. under competition law.
International Trade	Essential – Degree of LL.B or equivalent from a recognized University and/or Institute in India or abroad, recognized by the Bar Council of India with International trade	Must have worked as a International Trade Manager in reputed organization handling International Trade ventures involving imports or exports in large enterprises or undertakings. Desirable –

	as a subject, or Post graduate degree in Economics with microeconomics and specialization in International Trade from recognized University in India or from a foreign University. Desirable – Higher qualifications with consistent excellent academic record.	Experience of handling acquisitions, mergers, amalgamations, etc. under competition law.
Engineering	Essential – Post graduate degree in Engineering from any University or Institute of India or abroad, duly recognized in India Desirable – Higher qualifications with consistent excellent academic record .	Worked at senior level positions in large Organizations or Corporations dealing with technical and engineering matters, or Professor/Reader/Lecturer of Engineering of any recognized University/Professional Institute of India or abroad.
Medical	Essential – MD or MS from a University in India or abroad duly recognized by the Medical Council of India. Desirable – Higher qualifications with consistent excellent academic record.	Professor/Reader/Lecturer of medicine of any recognized University/Professional Institute of India or abroad, or a person of eminence in the medical profession.
Sciences	Essential – Post graduate degree in pure or applied sciences from a recognized University of India or abroad. Desirable – Higher qualifications with consistent excellent academic record.	Of having worked at senior level positions in large Government Organizations or organizations in private sector dealing with technical and scientific matters, or Professor/Reader/Lecturer of sciences of any recognized University/Professional Institute of India or abroad.
Any other sector	Essential – Graduate degree from a duly recognized University in India or abroad in the relevant field. Desirable – Higher qualifications with consistent excellent academic record.	(1)Of having worked at senior level position in a leading industry in private or public sector, in the specific sector of economy, in which expertise is claimed and/or (2) recognition as an expert in the relevant sector of the market by majority of the market players either through publication of articles or awards or public acclaim to the satisfaction of the Commission; or. (3) Professor/Reader/Lecturer of Business Management of any recognized University/Professional Institute of India or abroad. Desirable – Experience of dealing with regulators.

Schedule II
(See regulation 5)

Category of expert and professional	Preferred experience in years
Level I	Upto three years
Level II	Three to five years
Level III	Five to ten years
Level IV	Ten to fifteen years
Level V	Fifteen years or more

Schedule III
(See regulation 6)

Level of expert and professional	Lump sum monthly remuneration
I	Rs. 30,000 with 10 per-cents increase on completion of each year
II	Rs. 50,000 with 10 per-cents increase on completion of each year,
III	Rs. 75,000 with 10 per-cents increase on completion of each year.
IV	Rs. 100, 000 with 10 per-cents increase on completion of each year .
V	Rs. 125, 000 with 10 per-cents increase on completion of each year.

(S.L. Bunker)
Secretary