

**The Competition Commission of India (Procedure for
Engagement of Experts and other Professionals) Regulations,
200-**

New Delhi, the -----day of 200-

No- In exercise of powers conferred on it by section 64, read with the powers under 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, extent and commencement-

(1) These regulations may be called the Competition Commission of India (Engagement of Experts and Other Professionals) Regulations, 200-;

(2) These regulations 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 (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 section 16 of the Act;

(e) Expert or Professional means a person of integrity and outstanding ability having special knowledge of, and experience in, economics, business, commerce, international trade or such other discipline related to competition or a person qualified to practice and practicing in the field of law or as chartered accountant or as cost and works accountant or as company secretary or such other discipline related to competition, engaged by the Commission under sub section (3) of section 17 of the Act;

(f) "Secretary" means the person 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 for the purpose of these regulations;

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(2) Words and expressions used but not defined in these regulations shall have the same meanings respectively assigned to them in the Act or regulations framed there under or the Companies Act, 1956 (1 of 1956).

3. Engagement of experts and other professionals –

The Commission may engage experts and other professionals in the fields of economics, law, business including experts from various sectors of industry or such other disciplines related to competition, as it may deem fit, as per the procedure specified in these regulations.

4. Functions of the experts and other professionals –

(1) The Commission may engage experts and other professionals:-

- (a) to draft and/or revise guidelines on specific topics under sections 3, 4, 5 and 6 of the Act;
- (b) to draft and/or revise memorandum or arrangement with any overseas competition authority and/or foreign agency in terms of proviso to section 18 of the Act;
- (c) to draft and/or revise regulations under section 64 of the Act;
- (d) to draft and/or revise competition advocacy literature from time to time in terms of section 49 of the Act;
- (e) to undertake work for a specialized purpose as the Commission may require from time to time for the proper implementation of the Act;
- (f) to assist the Commission or the Director General in any inquiry or investigation, as the case may be;
- (g) to assist the Commission in giving opinion on a reference under section 21 or 49 of the Act or in formulating a reference for opinion to be sent under section 21A of the Act.

Explanation. -- For the purpose of this sub-regulation,-

A. Competition advocacy literature may include-

- (i) Booklets on public guidelines, guidance notes etc. meant for distribution in the competition advocacy seminars , workshops etc. among stakeholders as may be specified by the Commission from time to time;
- (ii) Reference study material for in house training on competition related subjects, as may be specified by the Commission from time to time;

B. Specialized purpose may include –

- (i) economic research on any particular industry of India or generic assessment of Indian industry as a whole;
- ii) legal research on any competition issue;

- iii) market analysis and market research of any particular or general matter of trade related competition issue;
- iv) assessment of impact on Indian market relating to any combination, anti competitive agreement or abuse of dominant position by any enterprise whether arisen during any inquiry or an investigation or otherwise;
- v) examining commercial agreement with reference to commercial laws;
- vi) conducting analytical research and submission of report(s) thereof with supporting empirical data, wherever possible, subsequent upon receipt of any reference or information by the Commission;
- vii) assisting the Commission in compiling technical data and reports that the Commission may like to include in its returns and / or annual report under section 53 of the Act; and
- viii) any other matter as the Commission, from time to time, may decide in order to implement the provisions of the Act;

5. Classification of experts and other professionals --

(1) The experts and other professionals to be engaged shall be *classified* on the basis of their qualifications and experience in their respective fields of specialization and/or their eminence in their professions. The *classes* of each experts and other professionals with the qualifications required for each shall be as given in **schedule – I**;

Provided that the Commission may engage experts and other professionals from any other disciplines 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 number of years of post qualification experience held in their respective disciplines, the experts shall be categorized into four levels as given in **Schedule –II**.

6. Remunerations to be paid to the experts and other professionals –

(1) The remunerations to be paid by the Commission to the different categories of experts/professionals per month shall be as agreed to between the Commission and the expert/the professional at the time of engagement. The amount admissible to be paid to each category of experts and professionals shall be as per **Schedule – III**,

Provided the Commission may, for reasons to be recorded in writing, agree to pay higher remuneration than those mentioned in schedule-III in specially deserving cases;

7. Evaluation of performance by the Chairperson –

The performance of each expert and other professional engaged under these regulations, with reference to the tasks assigned and output

delivered, shall be reviewed periodically, as may be decided by the Chairperson in each case.

8. Procedure of selection of the experts and other professionals -

(1) The experts and other professionals shall ordinarily be engaged by the Commission on contractual basis and normally their tenure of engagement shall not be less than three months and not more than three years;

(2) The Commission shall decide, on half yearly basis, in advance, the number of the experts and other professionals to be engaged;

(3) After the number of the experts and other professionals to be engaged is decided, as mentioned in sub-regulation (2) above, the Secretary shall publish the number of the experts and other professionals to be engaged with details of their qualifications, experience and the ranges of remunerations payable on the official website of the Commission and invite applications for each class and level of expert and other professional giving a stipulated last date for the receipt of the applications for each ;

Provided that the Secretary may also invite the applications by giving advertisements in media, as considered appropriate, for wide dissemination giving a stipulated last date for the receipt of the applications for each class and level of expert and other professional;

(4) The Secretary shall have a selection board for each category of expert and other professional constituted with the approval of the Chairperson. The Commission may include eminent outside experts having special knowledge and experience in the relevant field to join the selection boards;

(5) The Secretary shall scrutinize the applications as per these regulations and prepare lists of eligible candidates in each category to be called for interview and submit a report to this effect to the Commission;

(6) The selection boards mentioned in sub-regulation (4) above 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 post 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) above, the Secretary shall inform each candidate in writing by an offer letter of engagement giving not less than 21 days time to accept the offer of engagement ;

(9) After receipt of acceptance from the selected candidates as per sub regulation (8) above, 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 orders of the Commission to restart the process of selection to fill up the shortfalls, if any, in the total number of experts and other professionals decided to be engaged as per sub regulation (2) above.

9. Terms and conditions of engagement of the experts and professionals -

(1) Depending upon the functions to be assigned to the experts and the professionals, the Commission shall determine the terms and conditions of engagement, other than the remuneration payable, as deemed fit for each category and the Secretary shall convey the same to the expert and the professional at the time of engagement ;

(2) The Secretary shall obtain the acceptance in writing of each expert and professional engaged to the terms and conditions as mentioned in sub-regulation (1) above and the monthly remuneration agreed to be paid as mentioned in regulation 7 above before assigning any work to the expert and to the professional.

(3) Subject to the procedure for selection of the experts and professionals mentioned in regulation 8 and the manner of obtaining assistance mentioned therein, the expert and professional engaged to assist the Commission under these regulations shall enter into a contract with the Secretary, on behalf of the Commission, detailing the terms and conditions and the honorarium agreed to be paid as mentioned in regulation 6 above.

10. Confidentiality – Subject to section 57 of the Act and Regulation 38 of the Competition Commission of India (General) Regulations, 200-

(1) The experts and professionals engaged under these regulations shall enter into agreement of confidentiality with the Secretary on behalf of the Commission, whereby they shall maintain absolute confidentiality on matters brought to their notice, individually and collectively, in discharge of their functions;

Provided that such agreement may be part of the contract referred to in sub-regulation (3) of regulation 9, signed by the expert and /or professional, as the case may be, with the Secretary

(2) Without prejudice 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 referred to in sub-regulation (3) of regulation 9, and may further debar such expert or professional from future engagement by the Commission.

11. 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.

12. Removal of difficulties –

In the matter of interpretation of these regulations, if any doubt or difficulty arises, the Commission shall be competent to decide and its decision thereon shall be final and binding.

Schedule –I

Class of Expert and other professional	Qualifications	Experience
Economist.	<p>Essential - Post Graduate degree in Economics from either a recognized University in India or from a foreign University, <i>recognized</i> in India by the Association of Indian Universities (AIU), or by a competent authority in India with specialization in Industrial Economics/Industrial Organization/International Trade/ Econometrics//Mathematical Economics/Quantitative Economic methods.</p> <p>Desirable – (i)Consistent high academic performance shall be preferred. (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 will be highly desirable.</p>	<p>Experience 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)</p> <p>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.</p>
Legal practitioner.	<p>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,</p> <p>Desirable – Higher qualification with specialization in competition law or regulatory laws or laws relating to Intellectual Property Rights or International Trade Laws.</p>	<p>Experience as legal practitioner in Supreme Court, or High Court or a Regulatory Authority or a Tribunal. Experience in handling regulatory laws before the Competition Commission of India (CCI) or other sector regulators.</p> <p>Or, Reader or an Assistant Professor 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 handling acquisitions, mergers& amalgamations etc. under competition laws.</p>
Chartered Accountant	<p>Essential – Qualified Chartered Accountant in terms of Chartered Accountants Act in India.</p>	<p>Post-qualification, must have worked as a Chartered Accountant in reputed organization handling</p>

	<p>Desirable – Chartered Accountants having qualified the Post qualification course in International Trade Laws and WTO with competition law as a subject shall be preferred. .</p>	<p>financial ventures of large enterprises or undertakings. Desirable: Experience of handling acquisitions, mergers& amalgamations etc. under competition laws.</p>
Cost Accountant	<p>Essential – Qualified Cost Works Accountants in terms of Cost Works Accountants Act of India. Desirable – Post membership qualification in competition law or related areas</p>	<p>Post-qualification, must have worked as a Cost Works Accountant in reputed organization handling business ventures of large enterprises or undertakings. Desirable: Experience of handling acquisitions, mergers& amalgamations etc. under competition laws.</p>
Company Secretary	<p>Essential – Qualified Company Secretary in terms of Company Secretaries Act. Desirable – Company Secretaries having qualified the Post Membership Qualification (PMQ) course in Corporate Governance including competition law as a subject shall be preferred.</p>	<p>Post-qualification, must have worked as a Cost Works Accountant in reputed organization handling financial ventures of large enterprises or undertakings. Desirable: Experience of handling acquisitions, mergers & amalgamations etc. under competition laws.</p>
<i>Expert in Business Management</i>	<p>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 shall be preferred.</p>	<p>Post qualification, must have worked as a Business Manager or Financial Manager in reputed organization handling financial ventures of large enterprises or undertakings. Desirable: Experience of handling acquisitions, mergers & amalgamations etc. under competition laws.</p>
Expert in International Trade	<p>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 as a subject, or Post graduate degree in Economics with microeconomics and specialization in International Trade from recognized University in India or</p>	<p>Post qualification, 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: Experience of handling acquisitions, mergers & amalgamations etc. under competition laws.</p>

	<p>from a foreign University, duly recognized in India</p> <p>Desirable – Higher qualifications with consistent excellent academic record shall be preferred.</p>	
Engineering expert	<p>Post graduate degree in Engineering from any University or Institute of India or abroad, duly recognized in India</p> <p>Desirable – Higher qualifications with consistent excellent academic record shall be preferred.</p>	Worked at senior level positions in large Organizations or Corporations dealing with technical and engineering matters.
Medical Expert	<p>MD or MS from a University in India or abroad duly recognized by the Medical Council of India.</p> <p>Desirable – Higher qualifications with consistent excellent academic record shall be preferred.</p>	Associate professors or professors in medical sciences or a person of eminence the medical profession
Expert in Sciences	<p>Essential – Post graduate degree in pure or applied sciences from a recognized University of India or abroad recognized in India by the Association of Indian Universities (AIU).</p> <p>Desirable – Higher qualifications with consistent excellent academic record shall be preferred.</p>	<p>Worked at senior level positions in large Government Organizations or organizations in private sector dealing with technical and scientific matters.</p> <p>-</p>
Sectoral Expert	<p>Graduate degree from a duly recognized University in India or abroad in the relevant field.</p> <p>Desirable – Higher qualifications with consistent excellent academic record shall be preferred.</p>	<p>(1) 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</p> <p>(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 and/or</p> <p>(3) Experience of dealing with regulators;</p> <p>shall be desirable.</p>

Schedule – II

Level of Expert / professional	Post qualification experience in years
I	Three to five years
II	Five to ten years
III	Ten to fifteen years
IV	Beyond fifteen years

Schedule –III

The experts and professionals shall be paid as under:

Level of Expert/ Professional	Lump sum monthly remuneration
I	Rs. 50,000 with 10 per cent increase on completion of each year of engagement, on a cumulative basis
II	Rs. 75,000 with 10 per cent increase on completion of each year of engagement, on a cumulative basis
III	Rs. 100, 000 with 10 per cent increase on completion of each year of engagement, on a cumulative basis
IV	Rs. 125, 000 with 10 per cent increase on completion of each year of engagement, on a cumulative basis