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GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF COMPANY AFFAIRS)

NOTIFICATION

Dated New Delhi the 4th April, 2003

G.S.R. 303(E).- In exercise of the powers conferred by clause (a) of sub-section (2) of section 63, read with section 9, of the Competition Act, 2002 (12 of 2003), the Central Government hereby makes the following rules, namely: -

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1. **Short title and commencement**.- (1) These rules may be called the Competition Commission of India (Selection of Chairperson and other Members of the Commission) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions**.- (1) In these rules, unless the context otherwise requires,-

(a) 'Act' means the Competition Act, 2002 (12 of 2003);

(b) 'Commission' means the Competition Commission of India established under sub-section (1) of section 7 of the Act;

(c) 'Committee' means the committee constituted under sub-rule (1) of rule 3.

(2) Words and expressions used but not defined in these rules and defined in the Competition Act, 2002 (12 of 2003) shall have the same meaning assigned to them in that Act.

3. **Constitution of committee.-** (1) The Central Government shall constitute a committee for the selection of Chairperson and other Members of the Commission.

(2) The committee shall consist of; -

(a) a person, who has been a retired judge of the Supreme Court or a High Court or a retired Chairperson of a Tribunal established or constituted under an Act of Parliament or a distinguished jurist or a Senior Advocate for five years or more;..... Member,

(b) a person who has special knowledge of, and professional experience of twenty-five years or more in international trade, economics, business, commerce or industry;.....Member,

(c) a person who has special knowledge of, and professional experience of twenty-five years or more in accountancy, management, finance, public affairs or administration;..... Member,

to be nominated by the Central Government.

(3) The Central Government shall nominate one of the Members of the committee to act as the Chairperson of the committee.

(4) The Joint Secretary in the Ministry of Finance and Company Affairs (Department of Company Affairs) dealing with the Competition Act, 2002 (12 of 2003) shall be the Convenor of the committee.

(5) The term of the committee constituted under sub-rule (1) shall be for a period of one hundred and twenty days from the date of its constitution.

4. **Functions of committee**.- (1) As and when vacancies of Chairperson or a Member in the Commission exist or arise, or are likely to arise, the Central Government may make a reference to the committee in respect of the vacancies to be filled.

(2) The committee shall devise its own procedure for purpose of the selection of the Chairperson or a Member of the Commission.

(3) The committee shall recommend a person, or a panel of not more than three persons in order of priority, as the committee may think fit, in respect of each vacancy that has been referred to the committee.

(4) The committee shall make its recommendations to the Central Government, within a period not exceeding ninety days.

(5) If the members of the committee differ in making its recommendation, the recommendation of selection of the Chairperson or a member of the Competition Commission of India shall be decided by the majority of the members of the committee.

5. **Vacancy etc., not to invalidate proceedings of the committee**.- No act or procedure of the committee shall be invalid merely by reason of any vacancy in the committee.

[F. No.1/6/2003-CL.V]

RAJIV MEHRISHI
Joint Secretary

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