

CORPORATE LAWS AND SECRETARIAL PRACTICE

AMENDMENTS IN COMPETITION ACT APPLICABLE FOR JUNE 2009 FINAL EXAMS

Applicability of Competition Commission of India (Term of the Selection Committee and the manner of selection of panel of names) Rules, 2008

MINISTRY OF CORPORATE AFFAIRS NOTIFICATION New Delhi, 27 February 2008 G.S.R.

111(E) – In exercise of the powers conferred by **clause (a) of sub-section (2) of section 63 read with sub-section (2) of section 9, of the Competition Act, 2002 (12 of 2003)** and in supersession of the Competition Commission of India (Selection of Chairperson and other Members of the Commission) Rules, 2003 the Central Government hereby makes the following rules, namely:-

1. Short title and commencement –

- (i) These rules may be called the Competition Commission of India (Term of the Selection Committee and the manner of selection of panel of names) Rules, 2008.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions –

- (i) In these rules, unless the context otherwise requires, –
 - (a) 'Act' means the Competition Act, 2002 (12 of 2003);
 - (b) 'Committee' means the Selection Committee constituted under sub-section (1) of section 9 of the Act.
- (ii) 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 Term of the Committee –

The term of the Committee constituted under sub-section (1) of section 9 shall be for a period of one year from the date of its constitution.

4 Manner of Selection of a panel of names –

- (i) Whenever any vacancy of Chairperson or other Members of the Commission exists or as and when such vacancy arises or is likely to arise, the Central Government may make a reference to the Committee in respect of such vacancy or vacancies for recommendation of a panel of names.

(ii) The Committee shall devise its own procedure for selecting the persons for inclusion in the panel of names to be recommended for appointment as the Chairperson or a Member of the Commission.

(iii) The Committee shall make its recommendations to the Central Government, within a period not exceeding one hundred and twenty days from the date of reference made under sub-rule (1).

(iv) The Joint Secretary nominated by the Ministry of Corporate Affairs shall be the Convener of the Committee.

5 Functions of Committee –

On a reference made by the Central Government;

(i) The Committee shall recommend a panel of not more than three persons, selected under sub-rule (ii) of rule 4, in respect of each vacancy that has been referred to the Committee.

(ii) The Committee shall review the appointments made to the Competition Commission of India before the commencement of these rules and make appropriate recommendations, in respect of such appointments.