



FACULTY OF JURIDICAL SCIENCES

COURSE: B.B.A.LL.B. IX th

Semester

SUBJECT: COMPETITION LAW

SUBJECT CODE: BBL 901

Name of Faculty: Dr. Aijaj Ahmed Raj

LECTURE 30

TOPIC: ESTABLISHMENT AND COMPOSITION OF THE COMPETITION COMMISSION OF INDIA

Composition of Commission

16. (1) The Commission shall consist of a Chairperson and not less than two and not more than six other Members to be appointed by the Central Government.

(2) The Chairperson and every other Member shall be a person of ability, integrity and standing and who has special knowledge of, and such professional experience of not less than fifteen years in, international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs or competition matters, including competition law and policy, which in the opinion of the Central Government, may be useful to the Commission.

(3) The Chairperson and other Members shall be whole-time Members.

The members of the CCI are appointed by the Central Government. The Competition Commission of India is currently functional with a Chairperson and two members.

- The Commission used to consist of one chairperson and a minimum of two members and a maximum of six members.
- This has further been reduced to three members and one chairperson by the Cabinet. This move was taken to produce a faster turnaround in hearings and speedier approval, thereby stimulating the business processes of corporates and resulting in greater employment opportunities in the country.
- The chairperson and the members are usually full-time members.

The eligibility for the Commission: The Chairperson and every other Member shall be a person of ability, integrity, and who, has been, or is qualified to be a judge of a High Court, or, has special knowledge of, and professional experience of not less than fifteen years in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which, in the opinion of the Central Government, may be useful to the Commission.

Section 17 of the Competition Act, 2002 provides for the selection Committee

17. Selection Committee for Chairperson and Members of Commission

18. (1) The Chairperson and other Members of the Commission shall be appointed by the Central Government from a panel of names recommended by a Selection Committee consisting of –

- a) the Chief Justice of India or his nominee ---- Chairperson;
- b) the Secretary in the Ministry of Corporate Affairs ---- Member;
- c) the Secretary in the Ministry of Law and Justice ---- Member;
- d) two experts of repute who have special knowledge ---- Members.

of, and professional experience in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs or competition matters including competition law and policy

(2) The term of the Selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

The Term of Office of Chairperson and other members are provided under Section 10 of the Competition Act, 2002.

Term of office of Chairperson and other Members

10. (1) The Chairperson and every other Member shall hold office as such for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment:

[Provided that the Chairperson or other Members shall not hold office as such after he has attained the age of sixty-five years]

(2) A vacancy caused by the resignation or removal of the Chairperson or any other Member under section 11 or by death or otherwise shall be filled by fresh appointment in accordance with the provisions of sections 8 and 9.

(3) The Chairperson and every other Member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form, manner and before such authority, as may be prescribed.

(4) In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson, until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(5) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson until the date on which the Chairperson resumes the charge of his functions.

Exercise:

1. On a reference by CCI to a statutory authority, the statutory authority shall render its opinion within _____ from receipt of such reference

- a) Twenty-five days
- b) fifty days
- c) sixty days
- d) sixty-five days

2. Who shall preside the meeting of CCI in case of absence of Chairperson?

- a) Secretary
- b) Director General

- c) Law Secretary
- d) Senior Most Member

3. What shall be the ground of decision on all questions which come up before any meeting of the CCI?

- a) Will of Chairperson
- b) Direction of Central Government
- c) Direction of DG of CCI
- d) Majority of Members present and voting

4. Chairperson shall also cast his/her vote in case of decision on any question before any meeting of CCI

- a) True
- b) False

5. What shall be the Quorum for meeting to decide any question which come up before any meeting of CCI in case of voting?

- a) Six Members
- b) Five Members
- c) Two Members
- d) Three Members