

Competition Act, 2002

Section 63 - Power to Make Rules

¹ (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

³ [(a) the term of the Selection Committee and the manner of selection of panel of names under sub-section (2) of section 9;]

¹ (b) the form and manner in which and the authority before whom the oath of office and of secrecy shall be made and subscribed to under sub-section (3) of section 10;

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¹ (d) the salary and the other terms and conditions of service including travelling expenses, house rent allowance and conveyance facilities, sumptuary allowance and medical facilities to be provided to the Chairperson and other Members under sub-section (1) of section 14;

⁵ [(da) the number of Additional, Joint, Deputy or Assistant Directors General or such officers or other employees in the office of Director General and the manner in which such Additional, Joint, Deputy or Assistant Directors General or such officers or other employees may be appointed under subsection (1A) of section 16;]

¹ (e) the salary, allowances and other terms and conditions of service of the Director General, Additional, Joint, Deputy or Assistant Directors General or ⁶ [such officers or other employees] under sub-section (5) of section 16;

¹ (f) the qualifications for appointment of the Director General, Additional, Joint, Deputy or Assistant Directors General or ⁶ [such officers or other employees] under sub-section (4) of section 16;

¹ (g) the salaries and allowances and other terms and conditions of service of the ⁷ [Secretary] and officers and other employees payable, and the number of such officers and employees under sub-section (2) of section 17;

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² (k) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 52;

¹ (l) the time within which and the form and manner in which the Commission may furnish returns, statements and such particulars as the Central Government may require under sub-section (1) of section 53;

² (m) the form in which and the time within which the annual report shall be prepared under sub-section (2) of section 53;

⁹ [(ma) the form in which an appeal may be filed before the Appellate Tribunal under sub-section (2) of section 53B and the fees payable in respect of such appeal;

(mb) the term of the Selection Committee and the manner of selection of panel of names under sub-section (2) of section 53E;

(mc) the salaries and allowances and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under subsection (1) of section 53G;

(md) the salaries and allowances and other conditions of service of the officers and other employees of the Appellate Tribunal under sub-section (3) of section 53M;

(me) the fee which shall be accompanied with every application made under sub-section (2) of section 53N;

(mf) the other matters under clause (i) of sub-section (2) of section 53-O in respect of which the Appellate Tribunal shall have powers under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit;]

¹⁰[(n) the manner in which the monies transferred to the Competition Commission of India or the Appellate Tribunal shall be dealt with by the Commission or the Appellate Tribunal, as the case may be, under the fourth proviso to sub-section (2) of section 66;]

² (o) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules.

(3) Every notification issued under sub-section (5) of section 20 and section 54 and every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule, or both Houses agree that the notification should not be issued or rule should not be made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule, as the case may be.

1. Effective from 31.03.2003 by Notification No. 340 (E) Dated 31.03.2003

2. Effective from 19.06.2003 by Notification No. SO 715(E) Dated 19.06.2003.

3. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:

"¹ (a) the manner in which the Chairperson and other Members shall be selected under section 9;"

4. Omitted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to omission it read as:

"² (c) the financial and administrative powers which may be vested in the Member Administration under section 13;"

5. Inserted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007.

6. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "such other advisers, consultants or officers", w.e.f. 12.10.2007.

7. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the word "Registrar", w.e.f. 12.10.2007.

8. Clauses (h), (i) and (j) omitted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to omission it read as:

"² (h) for securing any case or matter which requires to be decided by a Bench composed of more than two Members under sub-section (4) of section 23;

² (i) any other matter in respect of which the Commission shall have power under clause (g) of sub-section (2) of section 36;

² (j) the promotion of competition advocacy, creating awareness and imparting training about competition issues under sub-section (3) of section 49;"

9. Inserted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007.

10. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:

"(n) the manner in which the monies transferred to the Central Government shall be dealt with by that Government under the fourth proviso to sub-section (2) of section 66;"
