

THE COMPETITION COMMISSION OF INDIA REVISED GUIDELINES FOR SPONSORING PROFESSIONAL OFFICERS FOR TRAINING/COURSES IN THE AREAS OF COMPETITION LAW AND POLICY, 2015

Objective and Background:

The Competition Commission of India (CCI/Commission) regulates competition in the Indian markets. Enforcement of the Competition Act, 2002 requires knowledge and skills, traversing more than one discipline. A multi-disciplinary approach is needed for understanding various concepts used in the Act, and requires knowledge and training in various areas such as law, economics and financial accounting. It is expected that officers having multi-disciplinary knowledge would be better placed to assist the Commission in carrying out its functions under the Act.

Since CCI is a relatively young regulator, and competition law and policy in India is at nascent and developing phase; sending CCI officers for functional training as well as relevant degree/diploma courses in the field of competition law/economics/finance is expected to improve the effectiveness of the officers as well as the ability of the Commission to discharge its functions. In order to facilitate officers to undergo specific training or course in areas of competition law, economics or finance; a scheme is proposed to be established for selecting officers for such trainings. For the said purpose, the Competition Commission of India adopts the guidelines to be called “*the Competition Commission Guidelines for Sponsoring Professional Officers for training/courses in the areas of Competition Law and Policy, 2015*”.

Section 1 – Definition of Functional Training

Functional training: For the purpose of this Guideline, a functional training would mean and include a course or programme by whatever name it may be called, for duration 2 weeks to twelve months, residential or otherwise, directed to enhance competence of person undergoing the course, in a professional/technical subject having direct and close connection to the functioning of CCI, including interdisciplinary study, for which the Commission may consider sponsoring under the Guidelines. This would not include any secondment or sabbatical course or programme, as permitted under service rules and regulations.

Section 2 – Number of functional trainings

The total number of sponsored functional trainings in a financial year will be restricted to six, whether within or outside India. The Commission may increase or decrease number of functional trainings in a financial year.

Section 3 – Formation of Selection Committee

The Chairperson may appoint a Selection Committee headed by Secretary and comprising of three Adviser level officers of the Commission to scrutinize, prepare a list and present their recommendations before the Commission for approval biannually¹.

Section 4 – Conditions for functional training

(1) The general conditions required to be complied with, are as follows:

- a) *Subject matter:* The training/course should be in a professional/technical subject having direct and close connection to the functioning of CCI. The decision to grant approval for training/course shall be at the sole discretion of the Commission.
- b) *Eligibility:* Only those officers who have completed five years of continuous service in CCI shall be considered for the training/courses. Officers should be of age less than 50 years on the date of completion of the training.
- c) *Cooling off period:* Only upto two functional training programmes can be undertaken by an officer during the course of his employment with CCI. A gap of five years shall be maintained between the two functional training programmes undertaken by an officer.
- d) *Duration of Training:* The minimum duration of the course shall not be less than two weeks and the maximum duration not more than 12 months with a residential requirement of not more than 6 weeks.
- e) *Debarment:* An officer nominated for attending a functional training may be debarred for two year if he fails to attend the same. If the course fee has already been paid, in such a case, the officer would be liable to refund the fees paid by the Commission. Further, an officer on a functional training, if debarred from the training/course by the institution where he/she is undergoing such training; or

¹ Amended as per direction of the Commission given in special meeting dated 6th June, 2016

failing to complete the course and obtain the certificate as the case may be, may be debarred from undertaking any functional training during the course of his/her service in the Commission and shall refund the entire expenditure borne by the Commission on the said training. The Chairperson may reduce the duration of debarment based on the merits of the facts and circumstances of the case. The Chairperson's decision on the duration of the debarment shall be final.

- f) *Training courses outside India:* In case where an officer applies for a training course outside India, he/she must justify that an equivalent course is not available in India.

- (2) Officers desirous of undertaking a functional training shall obtain prior written clearance from the concerned division head with regard to his/her availability for the functional training from the division concerned. Additionally, the division head will separately send his/her recommendation to the Selection Committee, prior to the last date for the submission of applications.

Section 5 – Funding or Sponsorship

- (1) In suitable cases, the Commission may provide financial support to officers seeking to pursue such courses. The expenses to be taken into account for computing the total cost of a functional training programme shall include:
- a) Course/study/training fee;
 - b) Boarding and lodging, travel; and
 - c) Contingency to meet other costs.
- (2) The Commission may fund upto 80% of the functional training. **However, the commission will not fund more than Rs 10 Lakh per candidate per course².** The remaining expenditure shall be self-funded by the applicant of the functional training.
- (3) The portion of the total expenditure payable by the officer may be paid by the officer before the start of the course; or may be paid by the Commission, which will be deducted from the salary of the officer, in six months. The applicant shall indicate the preference in his / her application. The final decision of the manner of payment will rest with the Commission.

² Amended as per direction of the Commission given in special meeting dated 6th June, 2016.

Section 6 – Leave etc. during functional training

The entire duration of functional training shall be considered training on duty. In case of any leave so required by the officer and as permitted by the institution providing functional training, the officer may apply for Casual Leave or Earned Leave as the case may be, to the competent authority in the Commission.

Section 7 – Post Training Requirements

Every officer sponsored by the Commission for a functional training shall be subject to the following post training procedures/requirements:

- a) Officer shall submit to the Commission, certificates of completion of course/examinations of functional training, within a month of return to the Commission after completion of the functional training.
- b) Officer shall submit a detailed report of the course/training attended and present before the Commission, the benefits derived from such training which would be used by him/her in efficient discharge of duties in the Commission.

Section 8 – Process for Application

- (1) Applications for undertaking functional training shall be invited annually in **October/November³**.
- (2) Any officer eligible for the functional training may apply in writing with all relevant particulars, and details for the course to the Selection Committee constituted for the purpose.
- (3) Application shall be submitted in original in quadruplet, and shall include:
 - a) Particulars of the officer, including the current Division, date of joining, date of birth etc.;
 - b) Full particulars of the course including date of commencement, date of completion, period of residential requirement;
 - c) Detailed statement of purpose, specifying the need for such functional training, and its value to the applicant and the Commission;
 - d) In case of foreign training/course, that similar training/course is not available within India;

³ Amended as per direction of the Commission given in special meeting dated 6th June, 2016.

- e) Forwarding letter from the division head indicating the availability of the applicant in case of selection for the functional training;
- f) Details of expected total expenditure;
- g) Mode of payment of expenditure by the applicant;
- h) Any other relevant information.

- (4) On selection for a functional training by the Commission, the applicant shall execute a bond undertaking to serve the Commission for a period of three years after the completion of his/her functional training. No funding shall be provided by CCI in the absence of such a bond.
- (5) In case the officer is unable to complete the bond period, he/she shall repay CCI to the extent of the expense incurred by CCI along with interest towards the same calculated on a pro-rata basis.

Section 9 – Miscellaneous

- (1) These Guidelines may be reviewed after a year, and may be modified based on the first years' experience.
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