

The Competition Advocacy through Resource Persons Guidelines, 2016 (Formulated under section 49 (3) of the Competition Act, 2002)

The Competition Commission of India (Commission) is established under the Competition Act, 2002 (the Act) to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto. It is mandated, *inter alia*, to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about competition issues. It, therefore, pursues its objectives through two sets of instruments, namely, advocacy and sanctions targeted at enterprises. While these two measures are complementary, advocacy ‘ex ante’ ensures freedom of trade by enterprises and achieves ‘fair competition for greater good’.

A. Objective

As a measure to promote competition advocacy, that is, to disseminate the message of competition - competition culture, competition compliance and competition neutrality - to every stakeholder in India, the Commission wishes to maintain a panel of, to start with, a total of 24 (twenty four) “Competition Resource Persons” – one (1) each for the State or group of states and Union Territories as per Annexure 1 – to organise competition advocacy programmes (programmes) for groups of stakeholders to supplement its own efforts on competition advocacy.

B. Definitions

For the purpose of these Guidelines:

- (5) ‘Competition Resource Person’ means a person whether an individual or an Non-Government organisation (NGO), empanelled as such by the Commission;
- (ii) ‘programme’ means a three-hour duration advocacy programme where a Competition Resource Person delivers messages about competition law, competition culture, competition neutrality and competition compliance to a group of at least 50 (fifty) stakeholders;
- (iii) ‘stakeholders’ mean and include (a) producers / suppliers of goods and services and their associations, (b) consumers of goods and services and their associations, (c) professionals engaged in competition services, such as, company secretaries and advocates, (d) media and their associations, (e) students and academic faculty of law, economics, finance, commerce, management and regulation, and (f) state agencies such as government (legislature, executive, judiciary at central, provincial and local levels), and regulators who have a bearing on competition.

C. Eligibility Criteria for Competition Resource Person

Only NGOs and individuals meeting the following criteria will be empanelled as Competition Resource Persons:

For NGOs

The NGO must:

- a. is registered under an applicable law;
- b. is accredited by at least one Department / Ministry of State or Central Government;
- c. is engaged in promotion of advocacy programmes relating to economy, legal rights, finance and markets for at least three years;
- d. has receipts/ grants/ donations of at least Rs.10 lakh in the previous financial year; and
- e. has at least two individuals in its employment or in its governing body and these two individuals meet the eligibility requirements for individuals.

For Individuals

Parameter	Academic Faculty	Professionals	Others
Qualification	Post-graduation in commerce, economics, finance, management, or LL.B. (Law)	Member of ICAI, ICSI , ICAI (Cost) or Bar Council.	Former functionaries of the level of Dy.
Employment	Serving / retired academic faculty in Colleges, Universities or Management Institutes	Serving / retired / practising as a professional/ Advocate	Director and above who have served in the Commission or the COMPAT for at least 3 (three years)
Experience	Teaching / professional experience of at least 5 (five) years.		
Age	Not more than 65 (sixty-five) at the time of empanelment. A person empanelled will cease to be in the panel on attaining the age of 70 (seventy).		
No Objection	'No objection' required from employer, if in employment		
Other Requirements	The individual: a. has a good understanding of markets, competition, competition law and policy; b. has proficiency in English as well as in a language of the state/ region where he/ she is based; c. has good presentation and communication skills and is well versed in conduct of programmes for groups of stakeholders. He/ she has and is comfortable using laptops for making power point presentations and playing video CDs; d. is willing to travel across the Region and conduct advocacy programmes at different locations for different stakeholders in the Region; and e. is neither connected to an enterprise nor has interests in any enterprise, as defined in the Act.		

D. Selection Process

The Commission shall invite applications through advertisement in newspapers and or its website from persons (NGOs and individuals) meeting the eligibility criteria and interested to be empanelled as Competition Resource Persons. A committee of senior officers of the Commission, as may be constituted by the Chairperson of the Commission, shall select the persons for including them in the panel of Competition Resource Persons to be maintained by the Commission. If considered appropriate, the committee may interview them or adopt any other mode of selection. Unless removed from the Panel otherwise in terms of these Guidelines, a Competition Resource Person shall remain in the panel for a period of five years. It would, however, be eligible to be empanelled again subject to meeting the requirements.

E. Obligations of Competition Resource Persons

Training: The representatives of NGOs and the individuals selected for empanelment shall undergo an initial training (2 to 5 days) on competition advocacy at Delhi/ NCR to be conducted by the Commission and pass an examination on completion of the training. The cost of the training (including travel and lodging) shall be borne by the Commission. Thereafter the individuals and the NGOs shall sign a contract containing terms and conditions of empanelment and undertake to abide by the code of conduct before being included in the panel of Competition Resource Persons of the Commission. The representatives of NGOs and individuals shall

undergo a refresher training programme once in-2 - 3 years, as may be organised by the Commission. The expenses for travelling (limited to 2nd AC train / lowest economy air return fare) to and fro the training venue and all other expenses for stay and other arrangements for training will be borne by the Commission.

Code of Conduct: The Competition Resource Person shall

- a. uphold the Commission's vision to promote and sustain an enabling competition culture through engagement that would inspire businesses to be fair, competitive and innovative; enhance consumer welfare; and support economic growth;
- b. impart unbiased objective quality instructions about competition law, competition culture, competition neutrality and competition compliance in programmes;
- c. conduct the programmes and be fair, respectful and courteous to stakeholders attending the programmes;
- d. maintain all records including the details of programmes and participants, expenses etc. in the manner, as may be specified by the Commission and provide to the Commission as and when called for;
- e. not hold out itself, by conduct or otherwise, as an employee or agent of the Commission;
- f. not engage in any activity which has potential to bring disrespect to the Commission or prejudice to the interests of the Commission;
- g. not indulge in selling or promoting any specific goods or services or enterprise; and
- h. not make any gain by way of publishing/selling/distributing the competition material/literature/presentations; The material provided by the Commission shall be used only in the programmes and shall not be used elsewhere without prior written permission. No other material, unless specifically approved by the Commission, shall be used in programmes.

Other Obligations

A Competition Resource Person shall:

- a. organise and conduct programmes with different stakeholders on its own, after obtaining prior approval of the Commission for each programme as under:
 - i. Individual resource person shall organise at least 10 and maximum of 24 programmes a year, and
 - ii. NGO resource person shall organise at least 30 and maximum of 100 programmes a year.
- b. conduct the programmes as per the structure (contents to be delivered) specified by the Commission;
- c. obtain prior approval of the Commission for organising / conducting programme at any place in the Region;
- d. submit bills in prescribed format within 10 days of the completion of the programme;
- e. act as a Competition Resource Person in any programme at the request of the Commission; and
- f. endeavour to videograph /photograph the programme and, subject to approval of the Commission, disseminate the same through social media.

Disqualifications

A Competition Resource Person shall be de-empanelled and removed from the Panel, if it

- a. has suppressed any material information while seeking empanelment;
- b. has become ineligible in terms of these Guidelines;
- c. has acted against the interest of the Commission; and
- d. has acquired a reputation which is unbecoming of a Competition Resource Person.

F. Obligations of the Commission

The Commission shall-

- a. maintain and update the panel of Competition Resource Persons along with their contact details and make these available in public domain;
- b. arrange for initial training, and refresher training for Competition Resource Persons;
- c. provide the published material and / or CDs for distribution / use by Competition Resource Persons in the programmes;
- d. approve or otherwise convey its decision within 7 (seven) days of receipt of a request of a Competition Resource Person for organising a programme for stakeholders at a location;
- e. disseminate the schedule of programmes in advance on its website;
- f. release payment or otherwise convey its decision within 7 (seven) days of receipt of a bill in respect of a programme;
- g. conduct an annual appraisal of Competition Resource Persons and based on the same, may de-empanel a Competition Resource Person from the Panel;

G. Organisation of Programmes

A Competition Resource Person or the Commission may approach a group of stakeholders or a group of stakeholders may approach the Commission or a Competition Resource Person for organising a programme. The venue shall ordinarily be provided by the stakeholders free of cost. The Competition Resource Person shall seek prior approval of the Commission for organising a programme of the stakeholders.

H. Honorarium

The Competition Resource Persons shall be paid an honorarium of Rs.7,500 per programme. If the programme is outside the city of residence/office of the Competition Resource Person, it shall be reimbursed travel expenses (not exceeding 2nd AC return rail fare), and stay and food expenses not exceeding Rs.2,500 per night. If the programme is inside the city of the Competition Resource Person, it shall be reimbursed local travel expenses (including food) not exceeding Rs.1,000 per programme. These amounts may be modified by the Commission at intervals.

I. Formats

- a. An individual shall apply for being empanelled as Competition Resource Person in Format A1.
- b. A NGO shall apply for being empanelled as Competition Resource Person in Format A2.
- c. A Competition Resource Person shall seek prior approval of the Commission for organising / conducting a programme in Format B.
- d. A Competition Resource Person shall submit the bills in respect of any programme in Format C.

J. Effect of the Guidelines

These Guidelines shall be effective from 1st January, 2017 and remain in force until further reviewed by the Commission. The Commission may relax any of these Guidelines in deserving cases. It may discontinue the panel of Competition Resource Persons / these Guidelines at any time without any notice.

Format A1

Application for Empanelment as Competition Resource Person for Individuals

1 Details of the Candidate

Name:

Father's Name:

Residential Address:

Professional Address:

Telephone No.:

Email:

PAN No.:

Aadhaar Card No.:

2 Educational Qualifications

Year of Passing	Name of Qualification	Institute / University	Main Subject of Study
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3 Experience

Position	Organisation	From – To	Nature of Work
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4. Please write 200 words describing your experience and exposure to competition:

5. Where do you wish to organise programmes:

(Please Choose and indicate one/ two State/ Groups of State as per your choice from Annex I)

6. If employed, do you have no objection from your employer:

7. Please attach copies of the following documents

- Copies of Certificates from 1st Degree onwards
- Proof of Employment / Retirement as Academic Faculty / Professional Membership
- PAN Card
- Aadhaar card
- A cancelled cheque (for Bank Account Number and IFSC Code)
- No objection certificate from your employer, if employed.

8. Undertaking

I certify that all the information provided above are correct.

I undertake to comply with the terms of empanelment as Competition Resource Person.

(Signature of the Candidate)

Format A2

Application for Empanelment as Competition Resource Person for NGOs

1 Details of the NGO

Name:

Address of Head Office:

Address for Correspondence:

Details of Chief Executive

Name

Telephone No.:

Email:

PAN No.:

Aadhaar No.

Details of Registration:

Details of Accreditation

Details of Governing Body / Management Committee

Sl. No	Name	Position in NGO	PAN / Aadhaar No	Telephone Number

2 Details of two individuals in its employment or in its governing body who meet the eligibility requirements for empanelment of Competition Resource Persons as individuals.

Education

Name	Year of Passing	Name of Degree	Institute / University	Main Subject of Study

Experience

Name	Position	Organisation	From – To	Nature of Work

3 Experience of the NGOs in conducting programmes (last three years)

Year	No. of Programmes	Nature of Programmes	No. of Direct Beneficiaries

4 Where do you wish to organise programmes:

(Please Choose and indicate one/ two State/ Groups of State as per your choice from Annex I)

5. Please attach copies of the following documents

In respect of the NGO

- a. Registration of NGO under applicable law
- b. Accreditation from Government Ministry / Department
- c. Audited Financial Statements of previous three years
- d. PAN Card

In respect of the two individuals

- a. Copies of Certificates from 1st Degree onwards
- b. Proof of Employment / Retirement as Academic Faculty / Professional Membership
- c. PAN Card
- d. Aadhaar card

6. Undertaking

We certify that all the information provided above are correct.

We undertake to comply with the terms of empanelment as Competition Resource Person.

(Signature of the Authorised Signatory)

Format B

Application for Prior Approval to Organise and Conduct a Programme

Dear Sir,

I / we seek prior approval of the Commission to organise and conduct a programme of stakeholders on competition advocacy as per details given below:

- a. Date of programme
- b. Time of programme
- c. Place and venue of programme (Full address)
- d. Number of stakeholders expected (Not less than 50)
- e. Please give a description of stakeholders in 100 – 200 words
- e. Language of the programme
- f. In case of NGO, please state the name of individual who will conduct the advocacy programme
- f. Is the venue of the programme within the city/town/village where you reside?
- g. Any printed material required?
- h. Any travel involved and likely amount of expenses on travel, in detail
- i. Any overnight stay involved and likely amount of expenses on stay, in detail
- j. Any other expense involved and likely amount of expenses, in detail

Yours sincerely,

(Signature of the Competition Resource Person)
Empanelment No. -----

Format C

Request for Payment of Honorarium and Reimbursement of Expenses

Dear Sir,

I/We organised and conducted a programme of stakeholder as per approval dated ... of the Commission.

2. Details of stakeholders are as under:

(Please write here in about 100-200 words)

3. I / we attach a photograph of the participants of the programme

4. Including this programme, I / we have organised and conducted ... (give the number) programmes during this financial year.

5. I / we hereby claim the following amounts:

Sl. No.	Item	Amount (Rs.)	Remarks
1	Expenses on travel		Please attach tickets
2	Expenses on overnight stay		Please attach bills
3	Honorarium		
4	Any other expense		Please attach bills
5	Total		

The amount may be credited in my bank account number _____,
Bank and Branch Name _____; IFSC Code _____.

Yours sincerely,

(Signature of the Competition Resource Person/
Authorised Signatory of NGO)
Empanelment No.-----

Note: Please attach photocopy of cancelled cheque to enable account verification for online payment.

Annexure -I		
List of States & Union Territory for Appointing Resource Persons (One each for each State/ UT as per List)		
Sl. No.	States & Union Territory	
1	Andhra Pradesh	
2	Assam	
3	Bihar	
4	Chhattisgarh	
5	Goa	
6	Gujarat, Daman and Diu, Dadra and Nagar Haveli	
7	Haryana	
8	Himachal Pradesh	
9	Jammu and Kashmir	
10	Jharkhand	
11	Karnataka	
12	Kerala & Lakshadweep	
13	Madhya Pradesh	
14	Maharashtra	
15	NCT of Delhi (UT)	
16	North Eastern States: Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram, Tripura	
17	Orissa	
18	Punjab & Chandigarh	
19	Rajasthan	
20	Tamil Nadu , Andaman and Nicobar Islands & Puducherry	
21	Telangana	
22	Uttarakhand	
23	Uttar Pradesh	
24	West Bengal & Sikkim	
Note: One Resource person for each State / Union territory or Group of States and Union Territory		