

Competition Commission Enquiry (Conduct of Investigating Officer) Rules, 2007

In exercise of the powers conferred by the section 55 read with section 35(3) of the Competition Ordinance, 2007 the Federal Government is pleased to make the following rules:

1. Short title and commencement.—(1) These rules may be called the Competition Commission Enquiry (Conduct of Investigating Officer) Rules, 2007.

(2) They shall come into force at once.

(3) These rules shall apply to any investigating officer authorized by the Commission and the Inquiry Officer and the Inquiry Committee appointed by the Commission under the Ordinance.

2. Definition.—(1) In these rules, unless there is anything repugnant in the subject or context,-

(a) “Chairman” means the Chairman of the Commission appointed under subsection (2) of section 14 of the Ordinance and includes the Acting Chairman appointed under section 16 thereof.

(b) “Commission” means the Competition Commission of Pakistan established under section 12 of the Ordinance;

(c) “Inquiry Officer/Inquiry Committee” means the officer or officers appointed by the Commission to conduct inquiry into the conduct of investigating officer;

(d) “Investigating officer” means an individual authorized by the Commission to enter any place or building of an undertaking, by force.

(e) “Member” means a member of the Commission.

(f) “Ordinance” means the Competition Ordinance, 2007.

(g) “working day” means a day which is not Saturday, Sunday or a public holiday.

(h) “Person” includes an undertaking.

(2) Words and expressions used in these rules, and not defined herein, shall have the meanings respectively assigned to them in the Ordinance or the rules and regulations prescribed under the Ordinance.

3. Filing of Complaint.—(1) Any person or undertaking, aggrieved by the conduct of an investigating officer (the accused) who is alleged to have exercised the power which was vexatious, excessive or with *mala fide* intent, may lodge a complaint in writing before the Commission.

(2) Upon receipt of the complaint by any aggrieved person the Commission may initiate proceedings against the accused.

4. Procedure of the enquiry.— (1) The Commission shall, before passing any order in respect of the complaint, appoint any one or more officers of the Commission as Inquiry Officer/Inquiry Committee to scrutinize the complaint and to verify the contents thereof

(2) The Inquiry Officer/Inquiry Committee shall upon his/its appointment under sub-rule (1) above shall;

(a) communicate to the accused, the charges and statement of allegations specified in the complaint;

(b) require the accused within seven days from the day the charge is communicated to him to make a written defence;

(c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him; and

(d) Where the Inquiry Officer/Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of such inquiry he/it shall record his/its finding to that effect and proceed to complete the same in such manner as he or it, deems proper in the interest of justice.

(e) Upon completion of the aforementioned steps the Inquiry Officer/Inquiry Committee shall submit a report in writing to the Commission stating the findings against or in favour of accused within thirty days from the date of his/its appointment under sub rule (1) above.

5. Powers of the Inquiry Officer or Inquiry Committee.- The Inquiry Officer or Inquiry Committee shall have power-

(a) to summon and enforce attendance of any person and examine him on oath;

(b) to require the discovery and production of any document;

(c) to receive evidence on affidavit; and

(d) to record evidence

6. Place of the Inquiry.—(1) The Inquiry Officer or Inquiry Committee shall conduct inquiry either at Islamabad in the Head Office of the Commission or at such other place as may be deemed fit by the Commission.

(2) The conduct of inquiry under these rules shall not be public proceedings unless the accused, specifically expresses a desire that the proceedings be open to the public.

7. Order to be passed upon a finding. — Every finding recorded by the Inquiry Officer/Inquiry Committee under clause (e) sub-rule (2) of rule 4 shall be submitted to the Commission and if the Commission after giving an opportunity of being heard on such date as may be specified in the notice finds the accused guilty, the Commission may pass an order imposing a penalty which may extend to Rs. 500,000/- or may decide to initiate criminal proceedings in a court of competent jurisdiction.

8. Appeal. - Notwithstanding any thing contained in any other law for the time being in force, any person aggrieved by any final order under rule 7 may, within thirty days of the order, prefer an appeal before the Chairman, who after giving an opportunity of being heard may vary, set aside or confirm the order passed under rule 7.
