
MONOPOLIES AND RESTRICTIVE TRADE PRACTICES RULES, 1970

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SCHEDULE 1 :- SCHEDULE

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES RULES, 1970

In exercise of the powers conferred by section 67 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby makes the following Rules, namely :-

1. Short title and commencement :-

(1) These rules may be called the Monopolies and Restrictive Trade Practices Rules, 1970.

(2) They shall come into force on the date¹ of their publication in the Official Gazette.

1. 10-7-1970.

2. Definitions :-

In these rules,-

(a) "Act" means the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);

(b) "form" means a form specified in the Schedule to these rules;

¹[(bb)"Director General" means the Director General of Investigation and Registration appointed under section 8 of the Act;]

² (c) "principal officer" in relation to an undertaking means:

(i) where the undertaking is owned by a body corporate-

(a) the managing director of the body corporate; or

(b) any other director, manager or secretary of the body corporate who has been authorised by the board of directors of such body corporate by means of a resolution in that behalf;

(ii) where the undertaking is owned by a firm, any partner thereof;

(iii) where the undertaking is owned by a Hindu undivided family, the karta or the manager of the family;

(iv) where the undertaking is owned or controlled by an association of individuals, whether incorporated or not, the individual who has been specifically authorised in writing in this behalf;

(v) where the undertaking is owned by an individual, the individual himself;

(vi) where the undertaking is owned or controlled by a trust, the managing trustee or any other individual, who is managing the trust.]

1. Inserted by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

2. Substituted by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-

1984.

3. Notice or application to the Central Government :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991].

4. 4 :-

Omitted by MRTP (Second Amendment) Rules, 1971].

4A. Publication of general notice relating to notice under section 21 or application under section 22 or 23 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

5. Notice under sub-section (1) of section 21 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

5A. Application under clause (d) of sub-section (3) of section 21 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

6. Application under sub-section (2) of section 22 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

6A. Application under clause (d) of sub-section (3) of section 22 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

6B. Exemption under clause (aa) of sub-section (1) of section 22A :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

7. Application under section 23 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

8. Application under section 25 :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

9. Application for registration :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

9A. Application for cancellation of registration :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f.26-12-1991.]

9B. Application for approval under section 30B :-

Omitted by the MRTP (Amendment) Rules, 1991,w.e.f. 26-12-1991.]

9C. Intimation under section 30C and application for approval under section 30D :-

Omitted by the MRTP (Amendment) Rules, 1991, w.e.f. 26-12-1991.]

10. Payment of fees :-

(1) Fees payable under the Act or any rules or regulations made thereunder shall be paid by means of a challan into the Public Account of India at the undermentioned branches of the Punjab National Bank for credit under the Head of the Monopolies and Restrictive Trade Practices Act, 1969-(i) Fees realised by the Monopolies and Restrictive Trade Practices Commission and by the Director General of Investigation and Registration; (ii) Application fees realised by the Central Government under the Monopolies and Restrictive Trade Practices Act, 1969.

(2) The fees payable under the Act, or any rule or regulations made thereunder may also be paid by means of a demand draft drawn in favour of Pay and Accounts Officer, Department of Company Affairs, New Delhi.

(3) The challan/bank draft may be sent to the Department of Company Affairs, Shastri Bhawan, New Delhi or the Monopolies and Restrictive Trade Practices Commissioner or the Director General of Investigation and Registration, New Delhi, as the case may be.]

11. Application under section 36(3) of the Act :-

(1) Where an application is received by the Director General under sub-section (3) of section 36 of the Act and he is of the opinion that it can be disposed of in conformity with any general directions issued by the Commission, he shall do so after giving the applicant an opportunity of being heard.

(2) Any application made to the Director General under sub-section (3) of section 36 of the Act shall be accompanied by six additional copies thereof.]

11A. Particulars to be entered in the register and its maintenance :-

(1) The Director General shall enter the particulars of agreements registrable under sub-section (1) of section 33 of the Act and the substance of each order made by the Commission under section 37 in the register maintained in accordance with Form X.

(2) The Director General shall maintain a special section of the register under sub-section (2) of section 36 of the Act for entering therein such particulars as may be directed by the Commission or as may be prescribed by regulations made in this behalf under section 66 .

(3) The Director General shall maintain an alphabetical index of the names of the parties to the agreements other than those reserved to be entered in the special section of the register.

(4) The Director General shall also maintain an alphabetical index of the agreements in relation to the goods or services covered by such agreements, as far as practicable, on the lines of the classification specified in the Schedule to the Monopolies and Restrictive Trade Practices (Classification of Goods) Rules, 1971.

(5) All agreements and other documents furnished under section 35 of the Act shall be kept in separate folders arranged in alphabetical order according to the name of the first contracting party.

(6) The Director General shall also maintain in separate registers, particulars in respect of restrictive trade practices, monopolistic trade practices and unfair trade practices investigated by him or inquired into by the Commission, in accordance with Form XI, Form XIA and Form XIB, respectively.]

12. The procedure to be followed in furnishing particulars of agreement :-

In respect of every agreement ¹[registrable under sub-section (1) of section 33] of the Act,-

(i) there shall be delivered or sent to the ²[Director General] within the period specified in sub-section (2) ³[or, as the case may be, sub-section (3)], of section 35 of the Act-

(a) ⁴[two]copies of each document specified, in relation to that agreement, ³[or, as the case may be, of any variation or

determination thereof] in clause (iii) of this rule, one copy of each of which is signed or identified by the signature of the person furnishing it, and therewith,

(b) a certificate in ⁶[Form XII] signed by the person furnishing such copies and certifying that there are comprised in those copies the whole of the terms of that agreement ³[or of any variation or determination thereof] and the

(ii) ⁸[where any person is a party to numerous agreements which are in the same form except for one or more of the following, namely;-

(1) the identity of another party thereto ;

(2) the date of duration thereof;

(3) the area or market allotted or the rate or quantum of commission or discount or rebate payable or the period for which credit is allowed or the amount of security to be deposited and the rate of interest, if any, payable thereon or the minimum quota of goods required to be disposed of over a specified period, to or by any party thereto;

(4) the products which are the subject-matter of such agreements, he may instead of complying with clause (i) of this rule in respect of each of those agreements individually, deliver or send to the ⁹[Director General] within the period specified in sub-section (2) of section 35 of the Act-]

(a) ¹⁰[two] copies of each document specified in clause (iii) of this rule, setting out the whole of the terms common to all agreements, one copy of each of which is signed or identified by the signature of the person furnishing it, and therewith;

(b) ⁸[two] copies of lists indicating, respectively, the name and address of each person who is a party to all those agreements and ¹²[the particulars as specified in clause (1) to (4) in respect of each such agreement]; and

(c) a certificate in ¹³[Form XII] signed by the person furnishing those copies and certifying that there are comprised in those copies the whole of the terms of those agreements and the names of all the persons who are parties to them at the date of the certificate (including, in the case of an agreement made by a trade

association, all persons who are members of the association or are represented thereon by such members);

(iii)

(a) in so far as the terms of any agreement are comprised in one or more instruments in writing, each of those instruments (including, in relation to an agreement in which a term is implied by virtue of Explanation II section 35 of the Act, any specific recommendation to which such term applied) is a document of which copies are required to be delivered or sent to the ⁷[Director General]: Provided that if one or more of those instruments vary another or others of them, the copies of the instruments so varied may indicate and incorporate those variations;

15[(b) in so far as the terms of an agreement are not comprised in one or more instruments in writing, a memorandum in writing, setting out the whole of the terms of the agreement and the names of persons who are parties to it (including in the case of an agreement made by a trade association, all persons who are members of the association or are represented thereon by such members) shall be delivered or sent to the **16**[Director General];

(c) in so far as an agreement, after it has been registered, is varied at any time (whether in respect of persons who are parties to it or in respect of the terms thereof) or is determined (otherwise than by efflux of time), then-

(i) if the variation or determination is comprised in one or more instruments in writing, each of these instruments;

(ii) if the variation or determination is not comprised in one or more instruments in writing, a memorandum in writing setting out the whole of the terms of variation or, as the case may be, indicating the determination;

12 [Director General]].

1. Substituted for the words, "which is subject to registration under Chapter V" by the MRTTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

2. Substituted for the word "Registrar", "which is subject to registration under Chapter V" by the MRTTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

3. Inserted by the MRTTP (Second Amendment) Rules, 1976, w.e.f. 25-9-1976.

4. Substituted for the word "four" by the MRTTP (Amendment) Rules,

1984, w.e.f. 1-8-1984.

6. Substituted for the word and figures "Form VIII", "four" by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

8. Substituted by the MRTP (Amendment) Rules, 1978, w.e.f. 16-9-1978.

9. Substituted for the word, "Registrar" by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

10. Substituted for the word "four", "Registrar" by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

12. Substituted by the MRTP (Amendment) Rules, 1978, w.e.f. 16-9-1978.

13. Substituted for the word and figures "Form VIII" by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

15. Substituted by the MRTP (Second Amendment) Rules, 1976, w.e.f. 25-9-1976.

16. Substituted, for the word "Registrar" by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

13. Examination and recording of agreements :-

(1) The Director General shall examine or cause to be examined particulars of every agreement received in his office.

(2) If, on such examination, any particulars are found to be defective or incomplete in any respect, the Director General shall, within a period of six months from the date of receipt of the agreement, direct the party who has furnished the agreement to rectify the defects therein or, as the case may be, to supply the omissions therefrom.

(3) The following particulars shall be endorsed on every document registered under these rules, namely :-

(a) Date on which it is registered ;

(b) Serial number and page of the register of agreements in which entered.

(4) Every endorsement referred to in sub-rule (3) shall be signed by the Director General and shall bear his official seal.]

13A. Duties and functions of the Director General :-

(1)

(a) The Director General shall, in addition to the duties and functions entrusted to him under the Act and these rules, be entitled to appear in any proceeding in the course of any inquiry before the Commission;

(b) Where the Director General is entitled to appear before the Commission, he may appear either in person or be represented by a counsel duly authorised in this behalf.

(2) It shall be the duty of the Director General to conduct such investigations as may be directed by the Commission for any of the purposes under the Act.]

14. Address to which the documents are to be delivered or sent :-

Anything required by these rules to be delivered or sent to the Registrar shall be addressed to the Registrar of Restrictive Trade Agreements, New Delhi.]

15. Place where register is to be maintained and inspected :-

The register of agreements shall be maintained at the Central Office of the Commission and at such other places as may be determined by the Central Government.]

16. Inspection of, and extracts from, the register :-

(1) Any person who wishes to inspect the register, other than the special section, shall apply to the Director General along with a challan or a bank draft referred to in rule 10 evidencing the payment of a fee of rupees twenty-five for each day of inspection.

1 [(2) The Director General may allow the applicant to inspect the register at any time during office hours between 10.30 a.m. to 4.00 p.m. on any working day either in his presence or in the presence of any person authorised by him in this behalf.]

(3) The applicant shall not be permitted to take out extracts of any particulars entered in the register, but may be allowed to take notes in pencil of any points from the particulars entered in the register.

(4) Any person who wishes to obtain a certified copy of, or extract from, any particulars entered in the register, other than the special section, shall apply to the Director General and such application shall be accompanied by a fee of rupee one for every one hundred words required to be copied, or extracted.

(5) A copy issued under sub-rule (4) of this rule shall be certified to be a true copy by the Director General or any officer authorised by him in this behalf.]

1. Substituted by the MRTP (Amendment) Rules, 1994, w.e.f. 14-2-1994. Earlier sub-rule (2) was inserted by the MRTP (Amendment) Rules, 1984, w.e.f. 1-8-1984.

SCHEDULE 1

SCHEDULE