

Chandigarh Arbitration Centre (Internal Management) Rules, 2014

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Rule

CHANDIGARH-ARBITRATION-CENTRE-INTERNAL-MANAGEMENT-RULES of 2014

- Published on 1 January 2014
- Commenced on 1 January 2014
- [This is the version of this document from 1 January 2014.]
- [Note: The original publication document is not available and this content could not be verified.]

Chandigarh Arbitration Centre (Internal Management) Rules, 2014 Preliminary

1. Title.

- These rules may be called the Chandigarh Arbitration Centre (Internal Management) Rules, 2014. (1) The Rules shall come into force with effect from the date of notification.

2. Definitions.

- (i) In these rules, unless the context otherwise requires, - (a) "Act" means the Arbitration and Conciliation Act, 1996 and the amendments thereto or any enactment thereof; (b) "Advisory Council" means the council appointed under Rule 8 of these Rules; (c) "Arbitration Committee" means the Committee constituted under Rule 3 of these Rules; (d) "Arbitrator" means a person appointed as an arbitrator from the CAC Panel of Arbitrators or by consent of parties; (e) "Arbitral Award" includes an interim, partial and preliminary award; (f) "Centre" means Chandigarh Arbitration Centre [for short, the CAC]; (g) "Chairperson" means the person nominated under Rule 3; (h) "CAC Panel of Arbitrators" means the panel of arbitrators prepared in accordance with Rule 10 of these Rules [for short, the Panel]; (i) "Coordinator" and "Additional Coordinators" mean the persons appointed in terms of Rule 6 of these Rules; (j) "Dispute" includes differences; (k) "Party" means a Party(ies) to an arbitration agreement; (ii) The words and phrases not defined in these Rules shall bear the same meaning as used or defined in the Act. (iii) The 'Chief Justice' means Chief Justice of Punjab and Haryana High Court, who shall be the Patron-in-Chief of Chandigarh Arbitration Centre and shall

have the powers vested under Rules 3, 6, 8,12 and/or any other express or implied or exercisable powers vested under the Rules.

Part I – Arbitration Committee

3. The Arbitration Committee.

(1) There shall be an Arbitration Committee consisting of members as under: (a) The Chief Justice who shall be Chairperson of the Arbitration Committee; (b) Two Judges of the High Court to be nominated by the Chief Justice, the senior most amongst them shall preside over the meetings of the Committee in the absence of Chief Justice and shall also exercise such powers and duties as may be assigned by the Chairperson; (c) Advocates General for the States of Punjab and Haryana; (d) Assistant Solicitor General of India attached to the Punjab and Haryana High Court; (e) Senior Standing Counsel for the Chandigarh Administration; (f) President of the High Court Bar Association; and (g) Four members to be nominated by the Chief Justice out of whom at least two shall be designated senior advocates, while the remaining two may be an arbitration expert or advocate having specialization in the field of arbitration laws, as the case may be. (2) The Coordinator shall be the ex-officio member of the Arbitration Committee, without any voting rights, and shall convene the meetings of the Arbitration Committee as may be desired by the Chairperson. (3) The members of the Arbitration Committee shall meet as and when required for the smooth and efficient functioning of the Centre.

4. Powers of the Arbitration Committee.

(1) To take decisions for smooth and effective functioning of the Centre; (2) To formulate rules for internal functioning of the Arbitration Committee and lay down guidelines for the Secretariat and the Advisory Council; (3) To recommend revision/amendment in the Chandigarh Arbitration Centre (Internal Management) Rules, the Chandigarh Arbitration Centre (Arbitration Proceedings) Rules and the Chandigarh Arbitration Centre (Administrative costs and Arbitrators' Fees) Rules and the rules stated in Rule 4(2) of these Rules, as deemed appropriate; (4) To prepare and update the Panel and to take such decisions as may be required from time to time; (5) To fix/revise the arbitrators' fees. (6) To remove a person from the Panel if: (a) Any complaint of breach of duty or misconduct is received against him and the Arbitration Committee is of the opinion that it would be expedient in the interest of the Centre not to continue such person on its Panel of arbitrators; or (b) He is declared to be of unsound mind or becomes incapacitated; or (c) He has incurred any disqualification under the Act. (d) For any other reason deemed appropriate by the Committee.

5. Functions of the Arbitration Committee.

(1) To monitor and oversee administration of the Centre. (2) To appoint members on the Panel. (3) To organize events or seminars in the field of Law of Arbitration and to promote the use of the Centre for resolution of disputes. (4) To promote the cause of Arbitration in the manner as may be expedient from time to time.

Part II – Secretariat

6. The Secretariat.

(1) There shall be a secretariat to supervise and manage the Chandigarh Arbitration Centre and shall consist of : (a) A member of Punjab/Haryana Higher Judicial Service to be appointed by the Chief Justice as Coordinator who will be in-charge of the Centre and act under the supervision of Chairperson and the Arbitration Committee. (b) Two Members of Punjab/Haryana Judicial Service to be appointed by the Chief Justice as Additional Coordinators to assist the Coordinator. (c) Notwithstanding anything contained in Clause (a) and (b), the Chief Justice may appoint a person, who, in the opinion of the Chief Justice, is well qualified and suitable to be appointed as Coordinator or Additional Coordinator. (d) Such staff as may be appointed/deputed by the Chief Justice.

7. Duties and responsibilities of the Coordinator.

(1) The Coordinator shall be responsible for the day to day functioning of the Centre. (2) Without prejudice to the generality of the provision (1) above, the Coordinator shall undertake the following: (a) Place all the records pertaining to each request for arbitration of disputes before the Advisory Council. (b) Initiate action in accordance with the Rules of the Centre. (c) Notify the parties to comply with the requirements of filing of the 'Request and Reply' and the submission and payment of arbitrators' fees and miscellaneous expenses, within the prescribed time frame. (d) Maintain and update from time to time a profile of each arbitrator on the Panel of the Centre, and make it available to the parties, on request. (e) Maintain a fact sheet of each arbitration case dealt with by the Centre. (f) Carry out directions given by the Arbitration Committee from time to time. (3) All correspondence and communications to the Centre shall be addressed to the Coordinator and all correspondence and communications on behalf of the Centre shall be made by the Coordinator.

Part III – Advisory Council

8. Advisory Council.

(1) There shall be an 'Advisory Council' consisting of: (a) A Chief Counsel as the Head of the Advisory Council, who shall be a Senior Advocate with sufficient experience in the field of Arbitration to render pro bono services to the Centre. (b) Two or more General Counsel who shall be advocates with sufficient experience in arbitration to render pro bono services to the Centre. (c) One or more full-time General Counsel and two or more counsel for such tenure and on such remuneration as the Chief Justice may determine on the recommendation of the Arbitration Committee. (2) The term of office of the members of the Advisory Council shall be, determined by the Chief Justice from time to time and unless decided otherwise, the term of office shall be: (a) One year for the Chief Counsel, subject to extension. (b) Two years for the General Counsel, subject to extension. (c) Two years for the Counsel. Provided further that Chief Justice shall have the power to terminate the tenure of any of

the members of the Advisory Council at his discretion without assigning any reason.

9. Duties and Responsibilities of the Advisory Council.

- The duties and responsibilities of the Advisory Council shall be as under: (a) To process the records pertaining to each Request for arbitration, received by the Centre, and recommend to the Coordinator to initiate action in accordance with the rules of the Centre. (b) To call upon the parties through the Coordinator to file their Statement(s) of claim, Reply(ies) thereto; Counter-claim(s) etc. (c) To compile all documents received pursuant to filing of a Request, divide them into separate volumes, forward a copy to each member of the Arbitral Tribunal and maintain a copy for the record of the Centre in accordance with Rule 7 of the Chandigarh Arbitration Centre (Arbitration Proceedings) Rules. (d) To call upon the parties through the Coordinator to deposit the assessed miscellaneous expenses of the Centre and the fees for the arbitrator(s). (e) To render assistance by way of legal research, if called upon or requested to by the Arbitral Tribunal. (f) To assist the Arbitral Tribunal in rectifying clerical errors, if any, in the award. (g) To assess the costs to be awarded by the Arbitral Tribunal in all arbitration proceedings. (h) To take steps as may be necessary for timely completion of arbitration proceedings.

Part IV – Panel of Arbitrators

10. Panel of Arbitrators.

(1) The Arbitration Committee shall prepare and maintain a Panel of Arbitrators from amongst persons who are eligible and willing to serve as arbitrators. (2) The Secretariat shall maintain an up-to-date Panel of Arbitrators together with information as to their qualifications and experience. (3) A Curriculum Vitae shall be furnished by the persons interested to be placed on the CAC Panel of Arbitrators, in the form prescribed in Schedule V of the Chandigarh Arbitration Centre (Arbitration Proceedings) Rules. Information so submitted by the persons who are finally empanelled may be made available to the parties seeking to appoint an arbitrator from the Panel. (4) The parties may choose any person from the Panel to be appointed as an arbitrator in respect of their disputes, subject to their work-load and availability. (5) If the parties so desire, the Chairperson may appoint an arbitrator whose name is not in the Panel, but such appointment shall be restricted to the case concerned. (6) The Arbitration Committee may at any time add new names to the Panel or omit the name of any person from the Panel.

Part V – Conduct of Arbitrators

11. Conduct of an Arbitrator.

(1) An Arbitrator should uphold the integrity and fairness of the arbitration process. (2) An Arbitrator should disclose any interest or relationship likely to affect impartiality or which might create an appearance of partiality. (3) An Arbitrator should avoid impropriety or the appearance of impropriety in communicating with parties. (4) An Arbitrator should conduct the proceedings fairly and

diligently.(5)An Arbitrator should make decisions in a just, independent and dispassionate manner.(6)An Arbitrator should be faithful to the relationship of trust and confidentiality inherent in that office.(7)An Arbitrator should adhere to standards of integrity and fairness when making arrangements for compensation and reimbursement of expenses.(8)An Arbitrator may engage in advertising or promotion of arbitral services which is truthful and accurate.(9)Arbitrators appointed by one party have a duty to determine and disclose their status and to comply with this code.(10)An Arbitrator shall, unless otherwise agreed to by the parties, abide by the fee structure, norms of expenditure and other terms and conditions of availing his services, as are prescribed from time to time.

Part VI – General Provisions

12.

The accounts of the Chandigarh Arbitration Centre shall be maintained as per the Income Tax Act, 1961 as amended from time to time and the Rules and Circulars issued thereunder and by the Government.

13. Amendment of Rules.

- These Rules may be amended by the Chief Justice in consultation with the Arbitration Committee.

14. Residuary Provision.

- In the absence of any specific norm made under these Rules, the Arbitration Committee shall take appropriate decision(s), as may be necessary from time to time.

Part VII – Power of the Committee

In case an arbitration comes by mutual agreement to the Centre, the Chairperson of the Committee shall nominate the arbitral tribunal in accordance with terms and stipulations in the agreement.