

# THE INDIA INTERNATIONAL ARBITRATION CENTRE (CRITERIA FOR ADMISSION TO THE PANEL OF ARBITRATORS) REGULATIONS, 2023<sup>1</sup>

*In exercise of the powers conferred by sub-section (3) of section 28 read with clause (e) of sub-section (2) of section 31 of the India International Arbitration Centre Act, 2019 (17 of 2019), the India International Arbitration Centre hereby makes the following regulations, namely:*

**1. Short title and commencement.**—(1) These regulations may be called the India International Arbitration Centre (Criteria for Admission to the panel of arbitrators) Regulations, 2023.

(2) They shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definitions.**—(1) In these regulations, unless the context otherwise requires,—

- (a) “Act” means the India International Arbitration Centre Act, 2019;
- (b) “Arbitration Act” means the Arbitration and Conciliation Act, 1996;
- (c) “Centre” means the India International Arbitration Centre established and incorporated under section 3 of the Act;
- (d) “Chamber of Arbitration” means the Chamber of Arbitration as provided under section 28 of the Act;
- (e) “Chairperson” means the Chairperson of the Centre referred to in clause (a) of section 5 of the Act;
- (f) “panel of arbitrators” means the panel of arbitrators maintained by the Centre in accordance with regulation 4;
- (g) “practice directions” means the directions issued by the Centre from time to time for the purpose of empanelment of arbitrators by the Chamber of Arbitration;
- (h) “Registrar” means the Registrar of the Centre.

(2) All other words and expressions used herein but not defined shall have the same meanings as assigned to them in the Act or the Arbitration Act, as the case may be.

**3. Composition and Members of the Chamber of Arbitration.**—(1) In terms of section 28 of the Act, the Chamber of Arbitration shall consist of members who are experienced arbitration practitioners of repute, at national and international level, and persons having wide experience in the area of alternative dispute resolution.

(2) The Centre would invite persons of repute, at national and international level, and having wide experience in the area of arbitration and alternative dispute resolution to be a member of the Chamber of Arbitration.

1. *Vide* Notification F. No. A-60011/3/2023-IIAC, dated 31st March, 2023, published in the Gazette of India, Extra., Pt. III, Sec. 4, No. 218, dated 31st March, 2023.

2. Came into force on 31-3-2023.

**4. Panel of arbitrators.**—(1) Pursuant to section 28 of the Act, the Chamber of Arbitration shall empanel arbitrators and maintain the panel of arbitrators from amongst persons who are proficient and willing to serve as arbitrators subject to their expertise and experience, for either domestic or international arbitration or both, as may be determined by the Chamber of Arbitration.

(2) The Chamber of Arbitration may at any time add new names to the panel of arbitrators or remove the name of any person from the panel of arbitrators as it deems fit.

**5. Application for empanelment.**—(1) An applicant wishing to apply to be on the panel of arbitrators shall be a person having appropriate level of expertise and experience either in domestic arbitration, international arbitration or both and shall be of good standing and character. The application shall preferably be made online on the website of the Centre ([www.indiaiac.org](http://www.indiaiac.org)).

(2) An application for empanelment as an arbitrator may also be made as per the Form annexed to these regulations. The Form shall be submitted to the office of the Registrar, who shall be the Member Secretary of the Chamber of Arbitration, accompanied by a non-refundable fee of ten thousand rupees in Indian currency or such fee as may be revised from time to time by the Centre.

(3) An application for empanelment shall be put up by the Registrar before the Chamber of Arbitration for scrutiny and consideration of such application.

(4) Upon scrutiny of the application, the members of the Chamber of Arbitration may hold an interaction with the applicant before according approval to the applicant to be enrolled on the panel of arbitrators or rejecting the application.

**6. Criteria for empanelment of arbitrator.**—(1) The Chamber of Arbitration shall empanel the arbitrators on the basis of following criteria, namely:—

- (i) the applicant shall not be less than thirty five years and not more than seventy five years of age;
- (ii) the educational qualifications and experience of the applicant shall be largely relevant to the applicant's field of expertise or of conduct of arbitration proceedings either as a sole arbitrator or as a member of any Arbitral Tribunal, within the last five years or otherwise related to the field of arbitration;
- (iii) the applicant shall furnish a statement that he has not been found guilty by a Court for any criminal offence, or for misconduct after conduct of disciplinary proceedings and that no criminal case or any departmental proceeding is pending against him:

Provided that the Chamber of Arbitration may even otherwise invite eminent persons having specialised knowledge and substantial relevant experience in the field of arbitration for being empaneled on the panel of arbitrators.

(2) The decision of the Chamber of Arbitration for the inclusion of the name of a person or otherwise on the panel of arbitrators shall be final.

**7. Period of empanelment.**—The empanelment of an arbitrator with the Centre shall be for a maximum period of five years.

**8. Application for re-empanelment.**—(1) The arbitrator so empaneled may make a fresh application for re-empanelment along with the notified fee on completion of the term of empanelment.

(2) The Chamber of Arbitration, may, while considering the application for re-empanelment, consider the work and conduct of the applicant during the term preceding the application for re-empanelment.

(3) The decision on the arbitrator's re-empanelment shall be taken by the Chamber of Arbitration, which reserves the right to re-empanel the arbitrator or not and such decision of the Chamber of Arbitration shall be final.

**9. Tenure of the members of the Chamber of Arbitration.**—(1) A member of the Chamber of Arbitration shall ordinarily have a term of two years and shall be eligible for reappointment.

(2) Any member of the Chamber of Arbitration can relinquish his membership after giving one month notice to the Centre.

(3) The members of the Chamber of Arbitration shall be at liberty to conduct arbitration proceedings entrusted to them by other arbitral institutions or Courts or upon being appointed as arbitrator by the parties other than parties approaching the Centre.

**10. Decisions of the Chamber of Arbitration.**—(1) The Chamber of Arbitration may consider applications for empanelment of arbitrators for domestic and international arbitration separately.

(2) The decisions regarding such empanelment shall be taken by the Chamber of Arbitration by consensus.

(3) In case no consensus is reached between the members regarding empanelment or otherwise, the decision of the Chairperson of the Centre shall be final and binding.

**11. Practice directions.**—The Centre may from time to time issue practice directions which may be considered necessary for the purposes of empanelment of arbitrators by the Chamber of Arbitration and such practice directions may be published on the website of the Centre for the information of all concerned.

**12. Power to relax.**—Where the Centre is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of persons.

## FORM

[see regulation 5 (2)]

## CURRICULUM VITAE

(For use of the India International Arbitration Centre.

The arbitrator's experience and the basic personal details shall be put on the Centre's website)

<b>Personal Information:</b>	
First name	
Middle name and Last name	
Date of Birth	
Residential address	
Telephone number	
Office number	
E-mail ID	
Business address (where applicable, mention company or firm name)	
Website, if any	
Correspondence Address	
<b>Professional Information:</b>	
Academic qualifications	
Current occupation, professional activity(ies) and position(s)	
Please select the applicable profession:	(a) Former Judge (b) Advocate (c) Engineer (d) Chartered Accountant/Company Secretary /Cost & Works Accountant (e) Architect (f) Service including senior officers of the Govt. (g) Others (please specify)
If (a)	The date of appointment The date of retirement Last position held Experience in arbitration, mediation, or conciliation.
If (b), (c), (d) or (e)	In case of a professional, enrolment number, date of enrolment as a professional and the details of authority/regulator where enrolled; Length of professional experience in the field of arbitration; Areas of expertise for becoming an arbitrator and conducting arbitration; Net professional income of the last three preceding years as per Income Tax Return.
If (f) or (g)	Please provide requisite <i>pari materia</i> details in terms of the above.

In case of applicant being a retired official, mention whether any penalty was imposed pursuant to departmental proceedings along with relevant details of penalty or whether any disciplinary proceedings are pending. If so, details thereof.	
In case of applicant being a professional, whether any disciplinary proceedings were initiated and decided or are pending against the applicant with the regulator of/complaint authority relating to the profession. If so, details thereof including the details of the professional regulator/complaint authority.	
In case the applicant is presently employed as member of any Tribunal/Authority/quasi-judicial body in Government or in autonomous body, provide name of the Tribunal/Authority/body with designation along with tenure and no objection certificate on behalf of the Tribunal/Authority/body to the applicant for being empanelled as arbitrator and conduct of proceedings as arbitrator.	
In case the applicant is empaneled as an arbitrator with any other institution, the name/s of the institution/s with the date of empanelment, in chronological order may be provided.	
Number of arbitration matters conducted by the applicant as an arbitrator in <i>ad hoc</i> Arbitrations (as sole arbitrator or otherwise).	
Number of cases conducted by the applicant as a member of arbitral tribunal (sole arbitrator or otherwise) under the aegis of an arbitral institution.	
Number of litigations conducted by the applicant before Courts in arbitration matters (only in case applicant is from the category of advocates).	
Details of academic achievements/publications and articles/writings by the applicant including in area of arbitration, along with the name of journal/book/publication.	
Experience of applicant in other fields of alternative dispute resolution mechanisms such as mediation/conciliation.	
Specify whether application for empanelment is for domestic arbitration or international arbitration or both.	
Any specific preference with respect to venue (city) for conduct of arbitration proceedings, when the applicant may be considered for appointment.	
Any other information/details which the applicant may like to furnish.	

### Declaration and Consent

The information given above is true and correct to my knowledge.

The Centre is hereby authorized to place my personal details and the details of my experience on the Centre's website.

Signature of the applicant: \_\_\_\_\_

Date : \_\_\_\_\_

Place : \_\_\_\_\_

Checklist of documents to be submitted along with the application:	
1	Statement of the applicant that he has not been found guilty by a Court for any criminal offence, or for misconduct after conduct of disciplinary proceedings and that no criminal case or any departmental proceeding is pending against him.
2	In case the applicant is a professional, certificate of enrolment with the relevant institute (for example, Bar Council of India, Institute of Chartered Accountants of India, etc).
3	Supporting documents for educational qualifications and experience of the applicant relevant to the applicant's field of expertise or of conduct of arbitration proceedings either as a sole arbitrator or as a member of any Arbitral Tribunal, within the last five years or otherwise related to the field of arbitration.
4	In case the applicant is a retired government employee, a vigilance clearance certificate from the concerned department.
5	Income tax returns of the applicant for preceding two years (only in case of applicants from categories other than Service & former Judge).
6	List of cases conducted by the applicant as an arbitrator/member of an arbitral tribunal.
7	Year wise number of arbitral awards published by the applicant as an arbitrator/member of an arbitral tribunal.
8	List of arbitration matters where applicant has appeared before arbitral tribunal.
9	Number and list of arbitration-related matters conducted by the applicant before Courts.
10	Copies of judgments pronounced by courts in arbitration matters conducted by the applicant.
11	Details of academic achievements, publications, articles/writings of the applicant including in the area of Arbitration.