

# THE APPOINTMENT OF ARBITRATORS BY THE CHIEF JUSTICE OF INDIA SCHEME, 1996<sup>1</sup>

*In exercise of the powers conferred on the Chief Justice of India under sub-section (10) of section 11 of the Arbitration and Conciliation Ordinance, 1996<sup>2</sup>, I hereby make the following Scheme.*

**1. Short title.**—This Scheme may be called the Appointment of Arbitrators by the Chief Justice of India Scheme, 1996.

**2. Submission of request.**—The request to the Chief Justice under sub-section (4) or sub-section (5) or sub-section (6) of section 11 shall be made in writing and shall be accompanied by—

- (a) the original arbitration agreement or a duly certified copy thereof;
- (b) the names and addresses of the parties to the arbitration agreement;
- (c) the names and addresses of the arbitrators, if any, already appointed;
- (d) the name and address of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
- (e) the qualifications required, if any, of the arbitrators by the agreement of the parties;
- (f) a brief written statement describing the general nature of the dispute and the points at issue;
- (g) the relief or remedy sought; and
- (h) an affidavit, supported by the relevant document, to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of section 11, as the case may be, before making the request to the Chief Justice, has been satisfied.

<sup>3</sup>[(i) five additional sets of the request and accompanying documents.]

**3. Authority to deal with the request.**—Upon receipt of a request under paragraph 2, the Chief Justice may either deal with the matter entrusted to him or designate any other person or institution for that purpose.

**4. Forwarding of request to designated person or institution.**—Where the Chief Justice designates any person or institution under paragraph 3, he shall have the request along with the documents mentioned in paragraph 2 forwarded forthwith to such person or institution and also have an intimation sent to the parties to the arbitration agreement.

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1. *Vide* Supreme Court of India Notification dated 29th January, 1996, published in the Gazette of India, Extra., Pt. III, Sec. 1, dated 16th May, 1996.

2. Now The Arbitration and Conciliation Act, 1996 (26 of 1996).

3. Ins. by the Appointment of Arbitrators by the Chief Justice of India (Amendment) Scheme, 2005, paragraph 2(a), dated 24th August, 2005.

**5. Seeking further information.**—The Chief Justice or the person or the institution designated by him under paragraph 3 may seek further information or clarification from the party making the request under this Scheme.

**6. Rejection of request.**—Where the request made by any party <sup>1</sup>[does not fulfil the requirements of paragraph 2] of this Scheme, the Chief Justice or the person or the institution designated by him may reject it.

<sup>2</sup>**7. Intimation to parties to the arbitration agreement.**—Subject to the provisions of paragraph 6, the Chief Justice or the person or the institution designated by him shall direct that an intimation of the request to appoint an arbitrator, together with copies of all documents referred to in paragraph 2 or, as the case may be, information or clarification, if any, 'sought under paragraph 5, be given to all the parties to the arbitration agreement informing them they may, if they so choose, assist the Chief Justice or his designate, within the time specified in the aforesaid intimation.]

**8. Withdrawal of authority.**—If the Chief Justice, on receipt of a complaint from either party to the arbitration agreement or otherwise is of opinion that the person or institution designated by him under paragraph 3 has neglected or refused to act or is incapable of acting he may withdraw the authority given by him to such person or institution and either deal with the request himself or designate another person or institution for that purpose.

**9. Intimation of action taken on request.**—<sup>2</sup>[The decision taken] by the Chief Justice or any person or institution designated by him in pursuance of the request under paragraph 1 shall be communicated in writing to—

- (a) the parties to the arbitration agreement;
- (b) the arbitrators, if any, already appointed by the parties to the arbitration agreement;
- (c) the person or the institution referred to in paragraph 2 (d);
- (d) the arbitrator appointed in pursuance of the request.

<sup>3</sup>**10. Requests and communications to be sent to Registrar.**—All requests under this Scheme and communications relating thereto which are addressed to the Chief Justice shall be presented at the filing counter of the Supreme Court by the party or by his duly authorized agent or by an Advocate on Record as defined in rule 2(6) of Supreme Court Rules, 1966 (as amended) duly appointed by him for the purpose. The Registrar shall maintain a separate Register of such requests and communications.]

1. Subs. by Supreme Court of India Notification No. 22/1/2002/SCA/Genl., dated 27th August, 2002.
2. Subs. by Supreme Court of India Notification No. 22/1/2002/SCA/ Govt., dated 27th August, 2002.
3. Subs. by the Appointment of Arbitrators by the Chief Justice of India (Amendment) Scheme, 2005, paragraph 2(b), dated 24th August, 2005, for paragraph 10. Paragraph 10, before substitution, stood as under:

"10. *Requests and communications to be sent to Registrar.*—All requests under this Scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar of this Court, who shall maintain a separate Register of such requests and communications."



**11. Delivery and receipt of written communications.**—The provisions of sub-sections (1) and (2) of section 3 of the Arbitration and Conciliation Act, 1996 shall, so far as may be, apply to all written communications received or sent under this Scheme.

**12. Costs for processing requests.**—The party making a request under this Scheme shall, on receipt of notice of demand from—

- (a) the Registry of the Court, where the Chief Justice makes the appointment of an arbitrator or takes the necessary measure, or
- (b) the designated person or the institution, as the case may be, where such person or institution makes appointment of arbitrator or takes the necessary measure,

pay an amount of Rs. 15,000 in accordance with the terms of such notice towards the costs involved in processing the request.

**13. Interpretation.**—If any question arises with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice, whose decision shall be final.

**14. Power to amend the Scheme.**—The Chief Justice may, from time to time, amend by way of addition or variation any provision of this Scheme.