

In supersession of the previous Rules including Delhi High Court Arbitration Centre (DAC) (Internal Management) Rules, Guidelines, Circulars and Orders, the Delhi High Court Arbitration Centre (DAC) (Arbitration Proceedings) Rules, the Delhi High Court Arbitration Centre (Arbitrator's Fee) Rules. The Delhi International Arbitration Centre, (Internal Management) Rules, (Arbitration Proceedings) Rules and (Administrative Costs and Arbitrators' Fees) Rules, with effect from **1st November 2012**, are framed as appended.

**DELHI INTERNATIONAL ARBITRATION CENTRE (DIAC) (INTERNAL MANAGEMENT) RULES, 2012  
(EFFECTIVE FROM 01.11.2012,as updated on 01.07.2018)**

**PRELIMINARY**

1. **Title** - These rules may be called the Delhi International Arbitration Centre (DIAC) (Internal Management) Rules, 2012.

1.1 The Rules shall come into force on **01.07.2018**

**2. Definitions –**

(1) In these rules, unless the context otherwise requires;

(a) "Act" means the Arbitration and Conciliation Act, 1996 and the amendments thereto or any re-enactment thereof;

(b) "Arbitral Award" includes an interim, partial and preliminary award;

(c) "Arbitration Committee" means the committee constituted under Rules 3;

(d) "Arbitrator" means a person appointed as an arbitrator from the DIAC panel of arbitrators or by consent of parties; and includes Emergency Arbitrator.

(e) "Centre" means Delhi International Arbitration Centre, for short, DIAC;

(f) "Chairperson" and "Vice-Chairperson" mean the persons nominated under Rule 3;

(g) "coordinator" and "Additional Coordinators" means the person appointed in accordance with these Rules;

(h) "DIAC Counsel" means the counsel appointed under Rule 8;

(i) "DIAC Panel of Arbitrators" means the Panel of Arbitrators prepared and maintained in accordance with Rule 10 of these Rules [for short, the Panel];

(j) "Dispute" includes differences;

(k) "Party" means a Party(ies) to an arbitration agreement;

(2) The words and phrases not defined in these Rules shall bear the same meaning as used or defined in the Act.

(3) The Chief Justice of the Delhi High Court shall be the patron-in-Chief of the Delhi International Arbitration Centre (DIAC) and shall have the powers vested under Rules 3, 6, 8, & 12 of the Rules.

## **PART I- ARBITRATION COMMITTEE**

### **3. The Arbitration Committee -**

(1) There shall be an Arbitration Committee consisting of members as under:

(a) Five Judges of the Delhi High Court of whom one shall be the Chairperson and one Vice-Chairperson to be nominated by the Chief Justice of the High Court of Delhi;

(b) Additional Solicitor General attached to the Delhi High Court;

(c) President or Vice-President of the Delhi High Court Bar association;

(d) Four Advocates to be nominated by the Chief Justice of the Delhi High Court out of whom at least two shall be designated Senior Advocate.

(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/Vice-Chairperson.

(3) The meetings of the Arbitration Committee shall be presided over by the Chairperson.

(4) The Vice-Chairperson, in the absence of the Chairperson, shall exercise the powers and discharge the duties of the Chairperson.

(5) The members of the Arbitration Committee may meet as and when required for the smooth and efficient functioning of the Centre.

### **4. Powers and Function of the Arbitration Committee –**

(1) To take decisions for smooth and effective functioning of the Centre;

(2) To formulate norms/ guidelines for internal functioning of the Arbitration Committee and lay down guidelines for the Secretariat and the Advisory Counsel;

(3) To recommend revision/amendment in the Delhi International Arbitration Centre (DIAC) (Internal Management) Rules, the Delhi International Arbitration Centre (Arbitration Proceedings) Rules and the Delhi International Arbitration Centre (DIAC) (Administrative Costs and Arbitrators' Fees) Rules and the norms/guidelines stated in Rule 4 (2) of these Rules, as deemed appropriate;

(4) To prepare and update the DIAC Panel and Arbitrator 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 of Arbitrators 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.
- (7) Exercise all such power and functions for the proper functioning of the DIAC.

## **PART II- SECRETARIAT**

### **5. THE SECRETARIAT -**

- (1) There shall be a Secretariat to supervise and manage the DIAC and shall consist of:
  - (a) A member of Delhi Higher Judicial Service to be appointed by the Chief Justice of the Delhi High Court as Coordinator who will be in-charge of the Centre and act under the supervision of the Chairperson; and
  - (b) Two Members of Delhi Judicial Service to be appointed by the Chief Justice of the Delhi High Court as Additional Coordinators to assist the Coordinator.
  - (c) Notwithstanding anything contained in Clause (a) and (b), it shall be open to the Chief Justice of the Delhi High Court to appoint a person who in the opinion of the Chief Justice is qualified to be appointed as Coordinator or Additional Coordinator.
  - (d) Such staff as may be appointed/deputed by the Chief Justice of the Delhi High Court.

### **6. 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 in (1), the Coordinator shall undertake the following:
  - (a) On receipt of a Request for arbitration, take steps in accordance with the rules of DIAC.
  - (b) Notify the parties to comply with the requirements of filing of the Request and Reply and the submission and payment of arbitrators' fee(s) and miscellaneous expenses, within the prescribed time frame.
  - (c) Maintain and update from time to time a profile of each arbitrator on the Panel of Arbitrators, and make it available to the parties, on request.
  - (d) Maintain a fact sheet of each arbitration case dealt with by the Centre.
  - (e) 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- DIAC COUNSEL**

### **7. DIAC Counsel –**

On the recommendation of the Arbitration Committee the Chief Justice shall appoint:

(1) A Chief Counsel who shall be an Advocate with at least 10 years of standing and preferably experienced in the field of arbitration. The Chief Counsel shall provide assistance and advice to the Secretariat from time to time and shall oversee the compliance and the functioning of the Counsel on such terms and remuneration as the Chief Justice may determine on the recommendation of the Arbitration Committee.

(2) Two or more Counsel and Deputy Counsel who shall be advocates, with preferably 5 years and 3 years post qualification experience respectively and preferably experience in the field of arbitration for such tenure and on such terms and remuneration as the Chief Justice may determine on the recommendation of the Arbitration Committee.

(3) At any time on the recommendation of the Arbitration Committee, the Chief Justice shall have the power to terminate the tenure of any of the DIAC Counsel without assigning any reason.

### **8. Duties and Responsibilities of the DIAC Counsel –**

The duties and responsibilities of the DIAC Counsel 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) Call upon the parties through the Coordinator to file their Statement(s) of claim, Replies thereto; Counter-claim(s) etc.

(c) 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 Delhi International Arbitration Centre (Arbitration Proceedings) Rules.

(d) Call upon the parties through the Coordinator to deposit the assessed miscellaneous expenses of the Centre and the fees for the arbitrator(s).

(e) Render assistance by way of legal research, if called upon or requested to by the Arbitral Tribunal.

(f) Assess the costs to be awarded by the Arbitral Tribunal in all arbitration proceedings.

(g) Ensure proper docket management and upkeep of the record of the DIAC.

(h) Report to all communications by the Parties and/ or the Arbitrator in consultation with the Coordinator/ Additional Coordinator and ensure time compliance.

(i) Apprise the Arbitrator about the status of the fee/ charge deposited, pursue deposit of deficient amounts if any, report non-compliance of order of the Arbitrator or the Coordinator and to secure such orders as may be necessary.

### **9. Law Researchers –**

(1) On the recommendation of the Arbitration Committee the Chief Justice shall appoint Law Researchers for such tenure and such remuneration as may be determined.

(2) The Law Researches shall inter alia assist in:

(a) research for DIAC Publications;

(b) maintaining statistical data of DIAC; and;

(c) providing assistance to the Arbitration Committee or any sub-committee appointed under the DIAC (Proceedings) Rules.

(3) At any time on the recommendation of the Arbitration Committee, the Chief Justice shall have the power to terminate the tenure of any of the Law Researchers without assigning any reason.

## **PART IV- PANEL OF ARBITRATORS**

### **10. Panel of Arbitrators**

(1) The DIAC shall maintain a Panel of Arbitrators as approved by the Arbitration Committee from time to time.

(2) The parties may choose any person from the Panel of Arbitrators to be appointed as an arbitrator in respect of their disputes, subject to their availability. Information so submitted by the persons who are so empaneled may be made available to the parties seeking to appoint an arbitrator.

(3) Notwithstanding the above, the Court or the Chairperson, as the case may be, may appoint an arbitrator who is not empaneled, but such appointment shall be restricted to the case concerned.

(4) The Arbitration Committee may at any time add new names to the Panel of Arbitrators or omit the name of any person from the Panel of Arbitrators.

## **PART V- GENERAL PROVISIONS**

### **11. Amendment of Rules -**

These Rules may be amended by the Chief Justice of the Delhi High Court on the recommendation of the Arbitration Committee.

### **12. Residuary Provision**

The Arbitration Committee may take appropriate decisions, as it considers necessary in respect of all matters, which are not specifically provided in these Rules.