

## **RULES OF ARBITRATION OF THE INDIAN COUNCIL OF ARBITRATION**

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## **RULES OF ARBITRATION OF THE INDIAN COUNCIL OF ARBITRATION**

ICA ARBITRATION CLAUSE These rules provide among other things the procedure to be followed by the parties to the Arbitration, the fees of the Arbitrators and other fees to be paid by the parties. The Indian Council of Arbitration recommends to all parties desirous of making reference to arbitration of the Indian Council of Arbitration the use of the following arbitration clause in their contracts: "All disputes or differences whatsoever arising between the parties out of or relating to the construction, meaning and operation or effect of this contract or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of the Indian Council of Arbitration and the award made in pursuance thereof shall be binding on the parties".

### **1. 1 :-**

These Rules may be called the Rules of Arbitration of the Indian Council of Arbitration. (ICA Rules)

### **PART 1**

### **DEFINITIONS**

### **2. 2 :-**

In these Rules, the following words have the following meanings:

(i) "Council" means the Indian Council of Arbitration.

(ii) "Committee" means the Arbitration Committee of the Council as provided for hereinafter.

(iii) "Rules" means the Rules of Arbitration of the Council.

(iv) "Governing Body" means the Governing Body for the time being of the Council.

(v) "Bench" means the arbitrator or arbitrators appointed for determining a particular dispute or difference.

(vi) "Panel" means the panel of arbitrators maintained by the Council.

(vii) "Court" means a Civil Court having jurisdiction to decide the questions forming the subject matter of the reference, if the same had been the subject matter of a suit.

(viii) "Reference" means a submission or a reference of a difference or dispute, to arbitration under the rules of the Council.

(ix) "Domestic Arbitration" means an arbitration between panics in India.

(x) "International Arbitration" means an arbitration between a party in India and a party in a foreign country or between foreign parties.

(xi) "Small Claims Arbitration" means an arbitration between parties in India where the value of the claim and the counter-claim in the dispute taken together does not exceed Rs. 50.000.

(xii) "Party" shall include any individual, firm, company, Government, Government organisation or Government Undertaking.

(xiii) "Registrar" means the Registrar appointed by the Committee and includes such other persons as the Committee may nominate for carrying out the duties of the Registrar under these rules. The Committee may also nominate an Additional Registrar to discharge such of the functions and administrative duties of the Registrar as may be delegated to him from time to time with reference to a particular case or cases.

(xiv) "Guidelines" means the guidelines for arbitrators and the parties to arbitration for expeditious conduct of the arbitration proceedings given in Annexure 'A' at the end of these Rules.

(xv) Words importing the singular number include, where the context admits or requires, the plural numbers and vice versa.

**3. 3 :-**

These Rules are in three parts. Part I, Part II and Part III. Unless the parties have agreed otherwise:

(a) The Rules set out in Part I shall apply to all Domestic Arbitration. These will also apply to International and Small Claims arbitrations to the extent they are not inconsistent with the Rules contained in Part II and Part III respectively.

(b) The Rules set out in Part II shall apply only to International Arbitrations.

(c) The Rules set out in Parts III shall apply only to Small Claims Arbitrations.

**4. 4 :-**

If the parties fail to agree on the nature of the arbitration referred to the Council, the Chairman of the Arbitration Committee or if the power is delegated to the Registrar, the Registrar shall determine whether the arbitration is a Domestic, International or Small Claims arbitration and such decision will be Final and binding on the parties.

PART 2

INTERNATIONAL ARBITRATIONS

PART 3

SMALL CLAIMS ARBITRATIONS