

CANTONMENTS (REGULATION OF PROCEDURE OF COMMITTEES OF ARBITRATION) RULES, 1985

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CANTONMENTS (REGULATION OF PROCEDURE OF COMMITTEES OF ARBITRATION) RULES, 1985

S.R.O. 235, dated 31st October, 1985.-In exercise of the powers conferred by sub-section (1) of Sec. 280 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby makes the following rules relating to the regulations of procedure of Committees of Arbitration :

1. Short title and commencement :-

(1) These rules may be called the Cantonments (Regulation of Procedure of Committees of Arbitration) Rules, 1985.

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

2. Definition :-

In these rules, unless there is anything repugnant in the subject or context:

(a) "The Act" means the Cantonments Act, 1924 ;

(b) "Committee of Arbitration" constituted under Section 262 of the Act ;

(c) words and expressions used in these rules, but not defined shall have the same meaning assigned to them in the Act.

3. Procedure for filling an arbitration application :-

In every case where there is a disagreement as to the liability of the Board to pay any compensation under the Act or as to the amount of any compensation so payable, the person claiming such compensation shall submit an application for arbitration to the Executive Officer specifying therein-

(i) full details of his case and the basis of his claim ;

(ii) original of the arbitration agreement, if any, out of or in connection with which the dispute has arisen or any documents or information relevant or relied upon.

4. Reference to the Board :-

On receipt of an application under rule 4, the Executive Officer shall refer it to the Board for convening a committee to determine the matter in dispute. At the same time, he shall prepare a rejoinder setting out the Board's case accompanied by all documents and information having a bearing on the matter.

5. Rejoinder to be sent to the applicant :-

The Executive Officer shall send a copy of the rejoinder and all the appended documents, if any, by registered post to the applicant for information.

6. Statement of reply to be sent by the applicant :-

The applicant, may within thirty days of the receipt of the rejoinder or within such extended time as may be granted by the Committee for reasons to be recorded in writing submit a statement in reply to the rejoinder.

7. Documents to be in quintuplicate :-

All statements, replies and other documents and papers submitted by the parties and all appended documents shall be in quintuplicate.

8. Challenge to the appointment of the arbitrator :-

Any party shall have the right to challenge the appointment of an arbitrator on receipt of the notice of his appointment for reasons which disqualify the arbitrator. Such challenge shall be made within

thirty days after his appointment has been communicated to the challenging parties within thirty days of the party becoming aware of the reasons for which the challenge is made. Copies of the communication of challenge shall be sent to the other party and the District Magistrate.

9. Hearing of parties :-

The committee may decide on reference on the written statements and documents accompanying them after hearing the parties.

10. Appearance by parties :-

At a hearing, a party shall be entitled to appear either himself personally or through his counsel or a duly authorised representative.

11. Procedure for the Committee :-

The Committee may proceed with the reference notwithstanding any by a party or parties to comply with any of the direction of the Committee and may also proceed ex-parte with the reference in the absence of any or both the parties to attend at the time and place appointed by the committee.

12. Award to be made in four months :-

The Committee shall make an award within four months from the date of entering on the reference or within such extended time the parties may agree. Where an award has been made, the Executive Officer shall furnish a true copy of the award to the applicant by registered post.

13. Fees to be awarded :-

The committee shall be entitled to allow fees and expenses of witnesses, other legal or technical advice or proceedings in respect of the matter arising out of arbitration, incurred by the committee and any other incidental expenses and charges in connection with or arising out of the reference or award as the committee shall in its discretion deem fit.

14. Cost to be awarded :-

The costs of the reference and the award including charges, fees, and other charges shall be in the discretion of the committee, which may as to by whom, and in what manner and in what such charges, fees and other expenses or any shall be borne and paid.

15. 15 :-

In respect of matters not specifically provided in the rules, the

provisions of the Indian Arbitration Act shall apply.