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PART-II, SECTION 3, SUB SECTION (ii)

Government of India
Ministry of Law and Justice
Department of Legal Affairs

New Delhi, (dated on), 2020

NOTIFICATION

G.S.R.No.____(E).-In exercise of the powers conferred by sub-section (1) of section 84 read with sub-section (3) of section 43C of the Arbitration and Conciliation Act, 1996 the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Arbitration Council of India (the Salary, Allowances and other Terms and Conditions of Chairperson and Members) Rules, 2020.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions-** (1) In these rules unless the context otherwise requires,-
 - (a) “Act” means the Arbitration and Conciliation Act, 1996.
 - (b) “Chairperson” means the Chairperson of the Arbitration Council of India appointed under clause (a) of sub-section (1) of section 43C of the Act;
 - (c) “Council” means the Arbitration Council of India established under section 43B of the Act.
 - (d) “Member” means a Member of the Council and includes the Chairperson.(2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

3. **Terms and conditions of service of Chairperson and Members.-** (1) The Chairperson and Members shall hold office for a term of three years from the date on which they enter upon their office:

Provided that no Chairperson or Member shall hold office as such after he has attained the age of seventy years in the case of Chairperson and sixty-seven years in the case of a Member.

(2) The Chairperson and Full -time Member appointed to fill-up a casual vacancy shall hold office for the remainder period of the term of the Chairperson or, as the case may be, Full -time Member in whose place he is appointed.

(3) The Chairperson and the Full -time member shall be a person who shall not have any financial or other interests as are likely to affect prejudicially his functions as such Chairperson or Member.

(4) The terms and conditions of service of the Chairperson and Full Time Member with respect to which no express provision has been made under these Rules, shall be such as are admissible to officers of equivalent rank in the Central Government.

4. **Salary, allowances and other benefits of the Chairperson.-** (1) When a person who has been a Judge of the Supreme Court, is appointed as Chairperson, he shall be entitled to a monthly salary, and to such allowances and other benefits, as are admissible to a serving Judge of the Supreme Court, except for the allowances and benefits for which specific provisions have been made under these rules.

(2) When a person who has been a Chief Justice of a High Court, is appointed as Chairperson, he, shall be entitled to a monthly salary and to such allowances and other benefits as are admissible to a serving Chief Justice of a High Court except for

the allowances and benefits for which specific provisions have been made under these rules:

(3) When a person who has been a Judge of a High Court, is appointed as Chairperson, he, shall be entitled to a monthly salary and to such allowances and other benefits as are admissible to a serving Judge of a High Court except for the allowances and benefits for which specific provisions have been made under these rules:

(4) When an Eminent person is appointed as Chairperson, he shall be entitled to a monthly salary, and to such allowances and other benefits, as are admissible to a Secretary to the Government of India, except for the allowances and benefits for which specific provisions have been made under these rules:

Explanation: In case a person appointed as the Chairperson is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him;

Also that the Chairperson shall be entitled to receive allowances on the original basic pay before such fixation of pay.

5. **Salary allowances and other benefits of the Member.-** The Member other than the Part-Time member shall be entitled to monthly salary, and to such allowances and other benefits as are admissible to the Secretary to the Government of India.

Explanation: In case a person appointed as the Full-time Member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him;

Also that the Full-time Member shall be entitled to receive allowances on the original basic pay before such fixation of pay.

6. **Leave.-** A person, on appointment in the Council as a Chairperson or a Full-time Member shall be entitled to leave as follows:

- (1) Earned leave at the rate of thirty days for every completed year of service;

Provided that the leave account shall be credited with earned leave in advance in two installments of fifteen days each from the first day of January and first day of July of every calendar year:

Provided further that the earned leave at the credit at the close of previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus credited for half year do not exceed ninety days.

- (2) Half Pay Leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service to be credited in advance in two installments of ten days each on first day of January and first day of July of every calendar year and leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

- (3) leave on half pay can be commuted to full pay leave of the Chairperson or Full-time Member, as the case may be, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority;

- (4) Casual Leave at the rate of eight days in a calendar year;

- (5) Restricted holidays at the rate of two days in a calendar year availing to their choice;

- (6) extraordinary leave without pay and allowance upto a maximum period of ninety days in one term of office.
- (7) On the expiry of the term of his office in the Council, the Chairperson or a Full-time Member, as the case may be, shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, subject to the condition that the maximum of leave encashed under this sub-rule shall not in any case exceed ninety days.
- (8) The Chairperson or Full-time Member, as the case may be, shall be entitled to receive the dearness allowance as admissible on the leave salary under sub-rule (7) at the rates in force on the date of relinquishment of the office of Council.
7. **Leave Sanctioning Authority.**- The Chairperson shall be the authority competent to sanction leave to a Full- Time Member and other officers below him and the President of India shall be the authority competent to sanction leave to the Chairperson.
8. **Provident Fund.**- The Chairperson and a Full-Time Member shall be entitled to subscribe to the Contributory Pension Fund.
9. **Travelling Allowances of the Chairperson and Members.** — (1) A person appointed as a Chairperson, while on tour, domestic or foreign, (including the journey undertaken to join Arbitration Council of India or on the expiry of his term with the Arbitration Council of India to proceed to his home town) shall be entitled to travelling allowance, daily allowances, transportation of personal effects and related benefits at the same scale and at the same rates as are applicable to a Supreme

Court Judge or a Chief Justice or a Judge of High Court or a Secretary to the Government of India, as the case may be.

(2) A person appointed as a Member other than the Part-Time Member, while on tour, domestic or foreign, (including the journey undertaken to join Arbitration Council of India or on the expiry of his term with the Arbitration Council of India to proceed to his home town) shall be entitled to travelling allowance, daily allowances, transportation of personal effects and related benefits at the same scale and at the same rates as admissible to an Secretary of the Central Government under the relevant rules governing travelling allowances.

(3) The Central Government shall be the sanctioning authority for foreign visits of the Chairperson and Full Time Members.

10. Leave Travel Concession.— (1) The Chairperson shall be entitled to Leave Travel Concession at the same rates and at the same scales as are applicable to a Secretary to the Government of India. (2) A Full-time member shall be entitled to Leave Travel Concession at the same rates and at the same scales as are applicable to an Secretary of the Central Government. (3) Other conditions relating to Leave Travel Concession shall be governed by the rules relating to Group 'A' officers of the equivalent rank of the Central Government.

11. Facility for medical treatment of the Chairperson and Member.— The Chairperson and Full Time Member shall be entitled to medical treatment and hospital facilities as are applicable to a Supreme Court Judge or a Chief Justice or Judge of a High Court or as provided in the Central Government Health Scheme (CGHS) to officers of 'Group A' of equivalent rank, respectively. At places where the

said scheme is not in operation, the said Chairperson and Full Time Member shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944.

12. **Accommodation.**- The Chairperson and Full Time Member shall be eligible to draw house rent allowance at the rate prevalent for the officers of equivalent rank of the Central Government.
13. **Facility of Conveyance.**- The Chairperson and Full Time Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the Staff Car Rules of the Government of India.
14. **Telephone facility, official meetings and entertainment expenses.**- The Chairperson and Member **other than the Part-Time Member** shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to officers of rank of Secretary to the Central Government.
15. **Bonus.**-The Chairperson and a Full-time member shall not be entitled to any bonus.
16. **Sitting Fees and Council's Meetings.**- The Chairperson and Full time member shall not be entitled to any sitting fees for attending meetings of the Council.
17. **Declaration of Financial and other Interests.**- The Chairperson or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.
18. **Power to relax rules.**- The Central Government shall have power to relax the provisions of these rules with respect to any class or category of persons.
19. **Residuary provisions.**- Matter relating to the terms and conditions of service of the Chairperson or Member **other than the Part-Time Member**, as the case may be,

with respect to which no express provision has been made under these rules, shall be referred by the Council to the Central Government for its decision.

20. **Interpretation.-** If any question arises relating to the interpretation of these Rules, the decision of the Central Government thereon shall be final.