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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 (2) of section 43M 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 Arbitration Council of India (the Qualifications, Appointment and other Terms and Conditions of the service of the Chief Executive Officer) Rules 2020.
  2. (2) They shall come into force on the date of their publication in the Official Gazette.**Definitions-** (1) In these rules unless the context otherwise requires,-
    - (a) “Act” means the Arbitration and Conciliation Act, 1996.
    - (b) “Council” means the Arbitration Council of India established under section 43B of the Act.
    - (c) “Chief Executive officer” means Chief Executive officer appointed under Section 43M of the Act.
- (2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.



**3. Qualifications and mode of appointment of Chief Executive officer.-** (1) In order to be appointed as Chief Executive Officer, the person shall

- (i) not be less than 45 years of age; and
- (ii) an officer of the rank of Additional Secretary or equivalent rank in the Govt. of India; or
- (iii) be an Officer of the rank of Joint Secretary or equivalent for a minimum period of 2 years and having experience of working in the areas of general administration or legal field in the Central Government/ State Government/Autonomous Body/Statutory Body/ Tribunal or University; or
- (iv) be a Judicial officer with at-least five years of experience as Additional District Judge or Advocate with 20 years of experience.

(2) The appointment of Chief Executive officer shall be made by the Selection Committee comprising of:

- (i) Chairperson of the Council;
- (ii) Secretary, Department of Legal Affairs and
- (iii) Secretary, Department of Expenditure.

**4. The term of office of Chief Executive officer:**

(1) The Chief Executive officer may be appointed on deputation or contractual basis which shall normally extend for period of three years and the person so appointed shall be eligible for extension of deputation as per rules of the Central Govt. or re-appointment on contractual basis as the case may be.

(2) Notwithstanding anything contained in sub-rule (1), the Central Government shall have the right to terminate the services of Chief Executive Officer appointed under



section 43M, at any time before the expiry of the period specified under sub-rule (1), by giving him notice of not less than one month and Chief Executive officer shall also have the right to relinquish his office, at any time before the expiry of the period specified under sub-rule (1), by giving to the Central Government notice of not less than one month in writing:

5. **Removal.-** The Central Government may remove Chief Executive officer from his office if he—

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) is of unsound mind and stands so declared by a competent court;
- (c) has been convicted of an offence which, in the opinion of the Central Government, involves a moral turpitude;
- (d) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest.

Provided that Chief Executive Officer shall not be removed under this rule unless he has been given a reasonable opportunity to show cause in the matter.

6. **Terms and Conditions of service.-** The conditions of service of Chief Executive officer on deputation or contractual basis, as the case may be, in the matter of pay, allowances, leave, joining time, joining time pay, provident fund, age of superannuation, pension and retirement benefits, medical facilities, leave travel concession and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to an Additional Secretary to the Government of India. However in case of contractual appointment, the pay of Chief Executive Officer shall be admissible minus the pension drawn by

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him, in so far as he happens to be a retired government servant and on other terms and conditions as may be specified by the Central Government.

7. **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.
8. **Residuary provisions.**- Matters relating to the terms and conditions of service of the Chief Executive Officer 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.
9. **Interpretation.**- If any question arises relating to the interpretation of these Rules, the decision of the Central Government thereon shall be final.