

**APPLICATION FORM FOR EMPANELMENT AS**  
**ARBITRATOR\*/MEDIATOR**

\* For Arbitrator, please read the footnote appended to this application form

Full Name: Mr./Ms. \_\_\_\_\_  
(in Block Letters)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Pin \_\_\_\_\_

Father's/Husband's Name: \_\_\_\_\_

Occupation\*: \_\_\_\_\_

Phone/s: (Office) \_\_\_\_\_ (Resi) \_\_\_\_\_ (Mobile) \_\_\_\_\_

Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Nationality: \_\_\_\_\_

(Please attach supporting documents for the purpose of office records)

Educational/Professional Qualifications (Graduation onwards):

Name & Address of College/Institution	University	Year of Passing
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Please attach supporting documents for the purpose of office records)

Experience:

Employer's Name	Address	Position	Period	
			From	To
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Are you a member of KCCI?: Yes \_\_\_\_\_ No \_\_\_\_\_

Categories of Panel of Arbitrators\*:

(Please tick ✓ one of the following categories you wish to join:

- Advocate within the meaning of the Advocates Act, 1961 having ten years of practice experience as an advocate; or
- Chartered accountant within the meaning of the Chartered Accountants Act, 1949 having ten years of practice experience as a chartered accountant; or
- Cost accountant within the meaning of the Cost and Works Accountants Act, 1959 having ten years of practice experience as a cost accountant; or

- Company secretary within the meaning of the Company Secretaries Act, 1980 having ten years of practice experience as a company secretary; or
- Officer of the Indian Legal Service; or
- Officer with law degree having ten years of experience in the legal matters in:
  - the Government, Autonomous Body, Public Sector Undertaking or
  - at a senior level managerial position in private sector; or
- Officer with engineering degree having ten years of experience as an engineer:
  - in the Government, Autonomous Body, Public Sector Undertaking or
  - at a senior level managerial position in private sector or
  - self-employed; or
- Officer having senior level experience of administration in:
  - the Central Government or State Government or
  - having experience of senior level management of a
    - Public Sector Undertaking or
    - a Government company or
    - a private company of repute;
- Person, having educational qualification at degree level with ten years of experience in:
  - scientific or technical stream in the fields of telecom, information technology, Intellectual Property Rights or
  - other specialised areas in the Government, Autonomous Body, Public Sector Undertaking or
  - a senior level managerial position in a private sector

#### Categories of Panel of Mediators:

(Please tick ☒ one of the following categories you wish to join:

Judges	Advocates
Engineers	Chartered Accountants
Cost Accountants	Company Secretaries
Executives	Technical Experts
Businessmen	Shipping
Foreign Nationals	Other Areas
	(Specify)

#### Fields of Specialisation:

(Please put numbers 1, 2, 3..... based on your priority of experience or knowledge):

Agency & Distribution and Franchising

Engineering/Technical

Intellectual Property  
 Real Estate  
 State Contracts  
 Finance Banking  
 Commercial Contracts  
 Telecommunications  
 Insurance  
 Oil, Petroleum & gas  
 Steel, Mining & Quarrying  
 Agriculture  
 Corporate Law  
 Automobile  
 Taxation  
 Textile  
 Transport

Joint Ventures  
 Power Energy  
 Aviation  
 International Investments  
 Maritime Shipping  
 Construction  
 Information Technology  
 Securities  
 Corporation & related activities  
 Food Processing  
 Hotel & Tourism  
 Entertainment  
 Environment  
 Computer Software  
 Other Areas

Specialisation & Knowledge of the following products/business:  
 (List out 5 products/business)

_____	_____
_____	_____
_____	_____

**Arbitration/Mediation Training:**

Course Name	Organisation	Period
_____	_____	_____
_____	_____	_____
_____	_____	_____

Arbitration/Mediation Experience    As Arbitrator    As Mediator    As Conciliator

Number of cases:

Sole Arbitrator/Mediator/Conciliator \_\_\_\_\_

Co Arbitrator/Mediator/Conciliator \_\_\_\_\_

Field of Arbitration/Mediation/Conciliation Experience \_\_\_\_\_

In case you have no training or experience as yet in Arbitration or Mediation, please state reasons for your interest in wanting to join as Arbitrator/Mediator in KCCI ADR Centre:

_____
_____
_____

Name of ADR Courses/Seminars/Conferences participated:

Addressed: \_\_\_\_\_

Participated: \_\_\_\_\_

Title of paper presented (if any) \_\_\_\_\_

Whether willing to contribute or make presentation in conference on ADR or for KCCI ADR Centre Quarterly or help in training Arbitrators/Mediators: Yes \_\_\_\_\_ No \_\_\_\_\_

Proposed by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

(Proposer & Seconder should be a member of KCCI for a period of more than a year at the time of proposing or seconding the prospective Arbitrator/Mediator)

**Undertakings:**

1. I agree to abide by the Rules of Arbitration/Mediation/Conciliation/Negotiation of the KCCI ADR Centre including the Code of Conduct.
2. I shall take up and complete the arbitration assigned to me with utmost diligence and expedition.
3. All arbitrators being of equal status, I shall not object to my appointment as arbitrator in a particular case on the basis of my previous status or that of any appointed arbitrator.
4. I note that my name will be deleted from the Panel as soon as I attain 80 years of age.
5. I have not been convicted or charged of any offence or any criminal investigation or vigilance enquiry pending against me.
6. I declare that I have not been removed as arbitrator in circumstances where moral probity or incompetence were an issue.
7. I declare that above particulars furnished are true & correct.

Date:

Signature of Applicant

\* The relevant provisions of the Arbitration & Conciliation Act 1996 (As amended in 2019) is appended for the perusal of the applicant:

**THE EIGHTH SCHEDULE**

(See section 43J)

**Qualifications and Experience of Arbitrator**

A person shall not be qualified to be an arbitrator unless he—

- (i) is an advocate within the meaning of the Advocates Act, 1961 having ten years of practice experience as an advocate; or
- (ii) is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 having ten years of practice experience as a chartered accountant; or
- (iii) is a cost accountant within the meaning of the Cost and Works Accountants Act, 1959 having ten years of practice experience as a cost accountant; or
- (iv) is a company secretary within the meaning of the Company Secretaries Act, 1980 having ten years of practice experience as a company secretary; or
- (v) has been an officer of the Indian Legal Service; or
- (vi) has been an officer with law degree having ten years of experience in the legal matters in the Government, Autonomous Body, Public Sector Undertaking or at a senior level managerial position in private sector; or
- (vii) has been an officer with engineering degree having ten years of experience as an engineer in the Government, Autonomous Body, Public Sector Undertaking or at a senior level managerial position in private sector or self-employed; or
- (viii) has been an officer having senior level experience of administration in the Central Government or State Government or having experience of senior level management of a Public Sector Undertaking or a Government company or a private company of repute;
- (ix) is a person, in any other case, having educational qualification at degree level with ten years of experience in scientific or technical stream in the fields of telecom, information technology, Intellectual Property Rights or other specialised areas in the Government, Autonomous Body, Public Sector Undertaking or a senior level managerial position in a private sector, as the case may be.

#### **General norms applicable to Arbitrator**

- (i) The arbitrator shall be a person of general reputation of fairness, integrity and capable to apply objectivity in arriving at settlement of disputes;
- (ii) the arbitrator must be impartial and neutral and avoid entering into any financial business or other relationship that is likely to affect impartiality or might reasonably create an appearance of partiality or bias amongst the parties;
- (iii) the arbitrator should not involve in any legal proceeding and avoid any potential conflict connected with any dispute to be arbitrated by him;
- (iv) the arbitrator should not have been convicted of an offence involving moral turpitude or economic offence;

(v) the arbitrator shall be conversant with the Constitution of India, principles of natural justice, equity, common and customary laws, commercial laws, labour laws, law of torts, making and enforcing the arbitral awards;

(vi) the arbitrator should possess robust understanding of the domestic and international legal system on arbitration and international best practices in regard thereto;

(vii) the arbitrator should be able to understand key elements of contractual obligations in civil and commercial disputes and be able to apply legal principles to a situation under dispute and also to apply judicial decisions on a given matter relating to arbitration; and

(viii) the arbitrator should be capable of suggesting, recommending or writing a reasoned and enforceable arbitral award in any dispute which comes before him for adjudication.”.

## **CODE OF CONDUCT**

At KCCI ADR CENTRE, our focus is to support our Arbitrators/Mediators to be the best they can be. Ethical excellence is integral to this approach.

As an Arbitrator/Mediator of the KCCI ADR CENTRE, you will recognise the importance of best practice, compliance and achieving benefits above and beyond those delivered by meeting regulatory requirements.

The Code is applicable to all KCCI ADR CENTRE Arbitrators/Mediators. KCCI ADR CENTRE views ethical behaviour as an integral part of demonstrating and maintaining professionalism. As you would expect from a professional membership association, adherence to the Code is expected. Arbitrators/Mediators should make every effort to apply the Code.

### **The Code**

The Code embodies the important principles of compliance and regulations that are upheld internationally. KCCI ADR CENTRE Arbitrators/Mediators are expected to uphold the highest levels of integrity and professionalism that is demonstrated by a series of behaviours that include (but are not limited to) the following:

### **Judgement**

Compliance professionals must:

1. Establish the ‘spirit’ and intent of regulation and reflect upon its implications from the perspective of all key stakeholders, avoiding any over-simplification that diminishes the value and importance of compliance.
2. Understand that the integrity and effectiveness of compliance is founded on independence of thought and judgment, recognising that they shall protect and ensure their independence and alert senior management or regulators should this be compromised.

3. Take mature judgments in balancing competing priorities and conflicts of interest, interpreting 'grey' areas, making fine judgements and decisions and then acting with the appropriate degree of sensitivity making difficult decisions when required to do so.

### **Behaviour**

Compliance professionals must:

4. Be proactive in building a positive culture in their firm that understands, respects and is committed to regulatory objectives, values and outcomes.

5. Recognise that they have a unique and significant position with accountability to the firm and the relevant regulatory authorities and must be clear and transparent about their responsibilities and the limitations of the scope of their accountabilities.

6. Be able to raise uncomfortable issues and ask challenging questions, making contributions that enables constructive challenge at all levels in the organisation.

7. Remain committed to open, clear, accurate, timely and accessible reporting, both internally and to regulators, and be committed to maintaining transparency as unconditional.

### **Development**

Compliance professionals must:

8. Aim for open relationships with colleagues, offering high-quality advice and guidance, yet understand where ownership of risk lies.

9. Assist in the education and development of colleagues, undertaking regular briefings, inductions, training, horizon scanning, and compliance planning.

10. Develop their own competence, relevant to their role, through appropriate qualifications, training and continuous professional development and avoid exceeding the limitations of their competence.

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KCCI ADR CENTRE will continue to update and develop this Code so any examples of how the Code has been useful or how it could be improved are welcomed.

### **Consequences of non-compliance**

Arbitrators/Mediators must understand that should a clear infringement of this Code or the principles it contains come to the attention of the KCCI ADR Centre, it would be just cause to trigger a further investigation.

If the outcome of such an investigation confirmed that an Arbitrator/Mediator was in breach of the Code, it would lead to a disciplinary hearing that gave the Arbitrator/Mediator the right to defend their actions. One possible outcome of such a disciplinary hearing would be a withdrawal of Arbitrators/Mediatorship, which the KCCI or KCCI ADR Centre reserve the right to make public.