Enforcement of various provisions of the Arbitration and Conciliation (Amendment) Act, 2019:

News

The Arbitration and Conciliation (Amendment) Bill, 2019 was introduced in Rajya Sabha by the Minister for Law and Justice.

Arbitration Council of India: The Bill seeks to establish an independent body called the Arbitration Council of India (ACI) for the promotion of arbitration, mediation, conciliation and other alternative dispute redressal mechanisms. Its functions include:

(i) Framing policies for grading arbitral institutions and accrediting arbitrators.
(ii) Making policies for the establishment, operation and maintenance of uniform professional standards for all alternate dispute redressal matters.
(iii) Maintaining a depository of arbitral awards (judgments) made in India and abroad.

Composition of the ACI: The ACI will consist of a Chairperson who is either:

(i) A Judge of the Supreme Court.
(ii) A Judge of a High Court.
(iii) Chief Justice of a High Court.
(iv) An eminent person with expert knowledge in conduct of arbitration.
(v) Other members will include an eminent arbitration practitioner, an academician with experience in arbitration, and government appointees.

Under the Bill, the Supreme Court and High Courts may now designate arbitral institutions, which parties can approach for the appointment of arbitrators. For international commercial arbitration, appointments will be made by the institution designated by the Supreme Court. For domestic arbitration, appointments will be made by the institution designated by the concerned High Court. In case there are no arbitral institutions available, the Chief Justice of the concerned High Court may maintain a panel of arbitrators to perform the functions of the arbitral institutions. An application for appointment of an arbitrator is required to be disposed of within 30 days.