



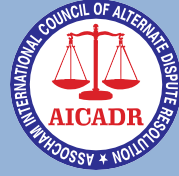
ASSOCHAM International Council of Alternate Dispute Resolution

(“AICADR” Based on UNCITRAL MODEL)



THE ASSOCIATED CHAMBERS OF COMMERCE AND INDUSTRY OF INDIA

4th Floor, YMCA Cultural Centre, and Library Building, 01 Jai Singh Road, New Delhi - 110001



ASSOCHAM International Council of Alternate Dispute Resolution



Dr. Niranjana Hiranandani
Chairman
AICADR

ASSOCHAM International Council for Alternate Dispute Resolution (AICADR) is an exclusive arm under the aegis of The Associated Chambers of Commerce and Industry of India (ASSOCHAM), providing dispute resolution under Arbitration, Conciliation, Mediation or any other mechanisms as per legal frameworks and best practices available worldwide.

The provisions and rules of law are based on UNCITRAL Model law and other effective arbitration codes along with global best practices that have been prepared after a series of meetings and deliberations with the Hon'ble Judges of Supreme Court, High Courts, leading legal practitioners, senior bureaucrats, industrial representatives, expert authorities and other jurists on international trade law and international commercial arbitration, incorporating the latest provisions, aiming to bring a **fair & trustworthy, faster and cost effective ADR mechanism catering to the needs of domestic and global dispute resolutions.**

While India is aiming at \$5 trillion economy, the mechanism under AICADR is an effective remedy for all domestic/global contracts for disputes resolutions through Arbitration, Conciliation and Mediation rules. The expert professionals are also invited to join as ADR panel member/ conciliator/ mediator.

For further information, please contact

Mr. Santosh Parashar

Nodal Officer, AICADR

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01, Jai Singh Road, New Delhi - 110001, • Tel: +91-11-4655 0555(Hunting Line)

• Email: assocham@nic.in • Web: www.assocham.org



ASSOCHAM International Council of Alternate Dispute Resolution

WHY AICADR

- The Law Commission, Government of India, in its 246th Report emphasized on culture of institutional arbitration in India and recommended chambers of commerce to set up new arbitration centers with rules/latest provisions.
- AICADR has been formed as an exclusive council of the Associated Chambers of Commerce & Industry of India, providing Arbitration, Conciliation, Mediation or any other dispute resolution methods.
- The ADR Rules are based on UNCITRAL model, drawn up after series of meetings and deliberations with the Hon'ble Judges of Supreme Court, High Court, Leading Practitioners, Senior Bureaucrats, Industrial Representatives and Authorities from Secretariat of United Nations Commission on International Trade Law and International Commercial Arbitration.



ADR Council meeting in progress



Library

AIMS & OBJECTIVES

- Propagation of ADR
- Capacity building of arbitrators and business executives
- Research and coordination with peer national & international institutions engaged in ADR.
- Speedy/fair resolution of disputes within fixed time frame at minimum cost

INFRASTRUCTURE

- Panel of distinguished and eminent arbitrators/conciliators/mediators
- Professional team of Secretariat
- ADR meeting rooms equipped with state-of-the-art facilities including Digital projector, audio and visual facilities and a dedicated system
- Multi-point video conference facilities
- Centrally located offices at different locations in India & abroad



Meeting Room



Mr. Joao Riberio, United Nations Uncitral (Head of Regional Centre for Asia and the Pacific) speaking at AICADR meeting

TIMELINE

- The Tribunal (ADR Panel Members(s)/ Conciliator(s)/ Mediator(s) appointed shall after its first meeting communicate the timeline to the Registrar along with time period for publication of the result/ decision/ award which should be adhered to.
- The Tribunal may, where necessary, secure agreement of parties to dispense with formal proof of documents, except the questioned documents.
- The Tribunal may implead material party to the proceedings with the consent of the parties and the written consent of the party to be impleaded. The proportionate fees will be paid by the new party as determined by the Tribunal.



AICADR Meeting with SAARC Arbitration Council and Bahrain Chamber of Commerce & Industry Delegation



Mr. Malik Imran Admad, D.G. SAARC Arbitration Council and His Excellency Khalid Al- Amin Chairman, BCCI addressing AICADR meeting

JOIN AS AICADR MEMBER IN APPROPRIATE CATEGORY	
CATEGORIES:	MEMBERSHIP FEE: Excluding GST as applicable
Individual Membership	One time joining fee: Rs. 500/- Annual membership fee: Rs. 1,000/-
Corporate/ Law Universities and Institutions Membership (up to four representative members from same Associations, firms, companies, undertakings etc.)	One time joining fee: Rs. 2,500/- Annual membership fee: Rs. 5,000/-
Life Member	(i) Individual: One time joining fee: Rs.500/- Membership fee: Rs.10,000/- (ii) Corporate/ Law Universities and Institutions: One time joining fee: Rs. 2,500/- Life Membership fee: Rs. 50,000/-
Empanelment: Mediator/ Conciliator/ ADR Panel Member (For Life Members only on approval by ADR Committee)	Rs. 2,500/-
Note: i) The annual membership fee is applicable on financial year basis i.e., from 1 st of April till 31 st March of the following year. ii) Life membership denotes a period of 15 years from the date of acceptance of nomination.	

BENEFITS TO MEMBERS

- Use infrastructure facility including library/ e-library etc.
- Receive periodical E-ASSOCHAM Legal Bulletin – Articles solicited from members for publishing
- Through conferences, seminars, workshops and lecturers, share ideas and exchange knowledge.
- Members enjoy discounted registration fees at conferences and seminars
- Preferential rates for advertising in the Bulletin
- Sponsorship opportunities
- Lecture/ programme/ event invitation
- Act as arbitrator/ conciliator/ mediator

REFERENCE OF DISPUTES

Disputes can be referred to AICADR under its Rules for Arbitration/Conciliation/Mediation:

- By arbitration/mediation clause in a contract providing for reference of the dispute arising from the contract
- By a separate agreement providing for reference of the existing dispute
- By an agreement for providing administrative services under any other rules
- To appoint arbitrator/ mediator in commercial disputes as required by any party

MERITS OF ADR PROCESS:

1. Faster resolution

Our courts are overloaded with litigation. It takes several years to resolve a dispute through court. One of the benefits of ADR is that resolution is very fast and provides decision on timebound manner. A settlement or arbitration award can be issued within a few weeks or months of referring of the same for ADR.

2. No bias

As Arbitrators are appointed on the mutual consent of the Parties, therefore no party enjoys an undue advantage over the other.

3. Lower cost

Another the key advantage of ADR is that it is cheaper than traditional law suit. Claimant do not require to pay huge court to fee as compared to traditional recovery suit. No exorbitant cost is charged from the parties making it common for parties to favor arbitration over the traditional litigation.

4. More flexibility

The ADR process is less rigid. Unlike a trial date that can vary because of the backlog, ADR can be scheduled at any time. This not only provides greater flexibility but also helps speed up the resolution of the conflict. The parties can also select an arbitrator or arbitrators as per their choice with relevant experience in a particular domain.

5. Binding Decision

The arbitration awards given are enforceable making the decision binding on the parties. There is a level of finality to the arbitration process as the scope for challenging the arbitration is very limited.

6. Privacy

Most part of the court trials are available on public record and can be accessed by anyone. On the other hand, ADR is not only private but also confidential. When an arbitration award is issued, or when both parties come to an amicable settlement through mediation, there is no public record of what transpired during the session. This level of privacy can be very beneficial for high-profile clients, as both parties are able to maintain their reputations.

- A. Arbitration in Labour cases will be complicated, though such disputes are not non-arbitrable per se but arbitrable only in the manner prescribed in the Industrial Disputes Act or Industrial Relations Code (Upon its enactment), and it is suggested to exclude labour disputes from the scope of arbitration.
- B. Administrative charges look excessive and may discourage the parties, would suggest to put a limit or ceiling on the same.

AICADR Secretariat		
Ms. Ritima Singh M: +91 93546 25618 E: ritima.singh@assocham.com	Mr. Jatin Kochar M: +91 97119 04890 E: jatin.kochar@assocham.com	Mr. Vikash Vardhman M: +91 90277 88277 E: vikash.vardhman@assocham.com

For further information, please contact:

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E-mail: santosh.parashar@assocham.com

ANNEXURE-1

MEMBERSHIPS OF “AICADR” AND CENTRES

1. Centres other than Delhi will be created as and when decided by ADR Committee
2. Membership is open to any person or body, who is of good standing, and with a bona fide interest in ADR (Arbitration, Mediation & Conciliation) and including lawyers, ADR Panel Members, mediators, conciliators, experts, academicians, businessmen, law firms, specialized experts of particular subject, maritime/construction, commercial and trading persons and organizations.
3. **Types of Membership**
 - i. Individuals
 - ii. Corporate
Associations/ firms/ companies/ undertakings/ law universities and institutions/ others
 - iii. Others as may be decided by ADR Committee
e.g. Life Member/ Honorary Member etc.
 - iv. Any qualified person may offer to be on the panels as ADR Panel Member/ Mediator/ Conciliator as decided by the ADR Committee
4. **Requisite Form**

The requisite FORM as enclosed as Annexure 1-A is to be filled and sent to AICADR with registration fee and first subscription
5. **Benefits to the Members**
 - i. Use infrastructure facility including library etc.
 - ii. Receive the “AICADR” Bulletin on internet as and when decided by ADR Committee
 - iii. Through conferences, seminars, workshops and lectures, share ideas, exchange knowledge and to network.
 - iv. Members enjoy discounted registration fees at conferences and seminars
 - v. Preferential rates for advertising in the Bulletin
 - vi. Sponsorship opportunities
 - vii. Lecture/ programme/ event invitation
 - viii. Act as arbitrators/ mediators/ conciliators



Card No.

ASSOCHAM International Council of Alternate Dispute Resolution (AICADR)

ANNEXURE - 1 (A) **AICADR MEMBERSHIP FORM**

1. Type of Membership Applied (*Please refer Clause8*):

- (I) Individual ☐
(II) Corporate ☐

2. Membership

- (I) Yearly ☐
(II) Lifetime ☐

3. Name of Individual/ Organization:

4. Address:.....
.....

5. Tel.: Mob.: Fax:

6. Email:

7. For Individual Members only

- (a) Academic Degrees or Qualification.....
(b) Professional Experience.....
(c) Fields of expertise
(d) Arbitration/ Mediation/ Conciliation Experience
(e) Number of arbitration cases in which you have acted as:-

	Chairman of ADR Tribunal	Sole ADR Panel Member	Co ADR Panel Member	Party's Counsel	Other
International Institutional Arbitration					
International Ad-hoc Arbitration					
Institutional Domestic Arbitration					
Ad-hoc Domestic Arbitration					



(f) Current CV (Please Attach)

(g) References: (i)
(ii)

8. **AICADR MEMBERSHIP DETAILS:**

Categories	Membership Fee Excluding GST as applicable	Amount (Inclusive of GST)
(I) Individual Membership		
(a) Annual	Annual fee: Rs. 1,000/- One time joining fee: Rs 500/-	₹ 1,770
(b) Life Time	Life time fee: Rs. 10,000/- One time joining fee: Rs. 500/-	₹ 12,390
(c) ADR Panel Member/ Mediator/ Conciliator (Please tick) Empanelment (for Life Members only on approval by ADR Committee)	Rs. 2,500/-	₹ 2,950
(II) Corporate Membership Associations/ Firms/ Companies/ Undertaking/ Law Universities and Institutions Membership/ others		
(a) Annual Corporate Membership (up-to 4 nominated representatives from the same organization)	Annual fee: Rs 5,000/- One time joining fee: Rs 2,500/-	₹ 8,850
(b) Life Corporate Membership (upto 4 nominated representative from the same organization) Please furnish: Name, Designation and Contact Details of 4 nominated persons on organization's letter head along with this application form	Life membership fee: Rs. 50,000/- One time joining fee: Rs. 2500/-	₹ 61,950
Note: i) The annual membership fee is applicable on financial year basis i.e., from 1st of April till 31st March of the following year. ii) Life membership denotes a period of 15 years from the date of acceptance of nomination.		

9. Mode of payment

Cheque /Draft in favour of "ASSOCHAM-AICADR"

For bank transfer

Bank: State Bank of India

Account No: 40773178962

Account Type: Current

IFSC/ NEFT Code: SBIN0001078

MICR Code: 110002042

GSTIN: 07AAATT4704C1ZV

Signature:

Date:

Name:

Place:



ANNEXURE - 1 (B)

MODEL STATEMENTS OF INDEPENDENCE AND DISCLOSURE PURSUANT TO ADR RULES

to be signed by the ADR Panel Member/Arbitrator/ Conciliator/Mediator/Expert (on a Rs. 10/- Non judicial stamp paper.)

Circumstances to Disclose

I am impartial and independent of each of the parties (give name) and intend to remain so. To the best of my knowledge, there are no circumstances, past or present, likely to give rise to justifiable doubts as to my impartiality or independence. I shall promptly notify the parties and the other ADR Panel Members of any such circumstances that may subsequently come to any attention during this arbitration.

Circumstances to Disclose

I am impartial and independent of each of the parties and intend to remain so. Attached is a statement made pursuant to Article 11 of the "AICADR" Rules of (a) my past and present professional, business and other relationships with the parties and (b) any other relevant circumstances [include statement] I confirm that those circumstances do not affect my independent and impartiality. I shall promptly notify the parties and the other ADR Panel Members of any such further relationships or circumstances that may subsequently come to my attention during this arbitration.

Note: Any party may consider requesting from the ADR Panel Member the following addition to the statement of independence.

I confirm on the basis of the information presently available to me, that I can devote the time necessary to conduct this arbitration diligently, efficiently and in accordance with the time limits in the Rules.

Signature

ADR Panel Member/ Conciliator/ Mediator / Expert

Address:

.....

.....

E-mail:

Telephone:

Mobile:

Date:



ANNEXURE-1-C

FEES/COSTS OF ADR GUIDELINES

“AICADR” Centre has adopted the Law Commission 246th Report Guidelines as under:

(i) Sum in dispute (Rs.)	Fees (Each ADR Panel Member)	Administrative Fee
Upto Rs. 5,00,000/-	Rs. 45,000/-	Rs. 40,000/-
Above Rs. 5,00,000/- and upto Rs. 20,00,000/-	Rs. 45,000/- + 3.5% of the claim amount over and above Rs. 5,00,000/-	Rs. 40,000/- + 1.0% of the claim amount over and above Rs. 5,00,000/-
Above Rs. 20,00,000/- and upto Rs. 1,00,00,000/-	Rs. 97,500/- + 3% of the claim amount over and above Rs. 20,00,000/-	Rs. 55,000/- + 0.75% of the claim amount over and above Rs. 20,00,000/-
Above Rs. 1,00,00,000/- and Upto Rs. 10,00,00,000/-	Rs. 3,37,500/- + 1.5% of the claim amount over and above Rs. 1,00,00,000/-	Rs. 1,15,000/- + 0.50% of the claim amount over and above Rs. 1,00,00,000/-
Above Rs. 10,00,00,000/- and Upto Rs. 20,00,00,000/-	Rs. 16,87,500/- + 1.00% of the claim amount over and above Rs. 10,00,00,000/-	Rs. 5,65,000/- + 0.35% of the claim amount over and above Rs. 10,00,00,000/-
Above Rs. 20,00,00,000/-	Rs. 26,87,500/- + 0.5% of the claim amount over and above Rs. 20,00,00,000/- with a ceiling of Rs. 30,00,000/-	Rs. 9,15,000/- + 0.25% of the claim amount over and above Rs. 20,00,00,000/- with a ceiling of Rs. 30,00,000/-

In the event, the ADR Panel Member to be appointed is a Sole ADR Panel Member; he shall be entitled to an additional amount of 25% on the fee payable as per the table set out above.

(ii) Conciliation & Mediation

Fee payable to Arbitrator, Conciliator and Mediator will be 50% of the above ADR Panel Member's fees.

- All travel costs to the ADR Panel Member/ Conciliator/ Mediator/ the Registrar etc. boarding and lodging
- Air/ AC Travel. For ADR hearing in local city conveyance charge of Rs. 1000/- per hearing.
- Any foreign national member in the panel the above rate will multiply by the parity price of Indian rupees with the currency of the nationality of the Panelist/ Mediator/ Conciliator/ ADR Panel Member.

(ii) Administrative Fees by AICADR

In addition to above fees/ expenses, ICADR Centre will charge:

- Registration of ADR case Rs. 15,000/- payable in advance
- All other facilities on cost On each occasion from time to time