

Bill No. 186 of 2022

**THE NEW DELHI INTERNATIONAL ARBITRATION CENTRE
(AMENDMENT) BILL, 2022**

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BILL

to amend the New Delhi International Arbitration Centre Act, 2019.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the New Delhi International Arbitration Centre (Amendment) Act, 2022. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

17 of 2019. **2.** In the New Delhi International Arbitration Centre Act, 2019 (hereinafter referred to as the principal Act), in the long title, for the words “New Delhi International Arbitration Centre”, wherever they occur, the words “India International Arbitration Centre” shall be substituted. Amendment of long title.

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Amendment of Preamble.	3. In the principal Act, in the Preamble, for the words “New Delhi International Arbitration Centre” at both the places where they occur, the words “India International Arbitration Centre” shall be substituted.	
Amendment of section 1.	4. In section 1 of the principal Act, in sub-section (1), for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted.	5
Amendment of section 2.	5. In section 2 of the principal Act, in sub-section (1), in clause (a), for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted.	
Amendment of chapter heading.	6. In the principal Act, in Chapter II, in the chapter heading, for the words “NEW DELHI INTERNATIONAL ARBITRATION CENTRE”, the words “INDIA INTERNATIONAL ARBITRATION CENTRE” shall be substituted.	10
Amendment of section 3.	7. In section 3 of the principal Act,— (i) in the marginal heading, for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted; (ii) in sub-section (1), for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted.	15
Amendment of section 4.	8. In section 4 of the principal Act,— (i) in the marginal heading, for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted; (ii) in sub-section (1), for the words “New Delhi International Arbitration Centre”, at both the places where they occur, the words “India International Arbitration Centre” shall be substituted.	20
Amendment of section 15.	9. In section 15 of the principal Act, for clause (a), the following clause shall be substituted, namely:— “(a) to facilitate the conduct of arbitration and other forms of alternative dispute resolution mechanism, both international and domestic, in the manner as may be specified by the regulations;”.	25
Amendment of section 20.	10. In section 20 of the principal Act, in sub-section (5), in the proviso, for the word “application” at both the places where they occur, the word “question” shall be substituted.	30
Amendment of section 23.	11. In section 23 of the principal Act, in sub-section (1), in clause (a), for the word “Centre”, the word “Secretariat” shall be substituted.	
Amendment of section 25.	12. In section 25 of the principal Act, in sub-section (3), after the words “allowances of Members”, the words “, Registrar, Counsel and other officers and employees of the Centre” shall be inserted.	35
Amendment of section 28.	13. In section 28 of the principal Act, in sub-section (1), for the words “which shall”, the word “to” shall be substituted.	
Amendment of section 31.	14. In section 31 of the principal Act, in sub-section (2), for clause (a), the following clauses shall be substituted, namely:— “(a) the manner of the conduct of arbitration and other forms of alternative dispute resolution mechanism, under clause (a) of section 15; (aa) the time and place and the rules of procedure to be observed in regard to the transaction of business of the Committee at the meetings including the quorum under sub-section (3) of section 19;”.	40
Amendment of section 34.	15. In section 34 of the principal Act, in sub-section (1), in the proviso, for the words “two years”, the words “five years” shall be substituted.	45

STATEMENT OF OBJECTS AND REASONS

The New Delhi International Arbitration Centre Act, 2019 provides for the establishment of the New Delhi International Arbitration Centre. Accordingly, the New Delhi International Arbitration Centre has been established for creating an independent and autonomous regime for institutionalised arbitration in the country. Sub-section (1) of section 4 of the Act declares the New Delhi International Arbitration Centre as an institution of national importance.

2. However, it has been felt that the Centre, being an institution of national importance, gives an impression of being city centric whereas it should be reflective of the aspirations to promote India as a hub of institutional arbitration and establish itself as a centre of international commercial arbitration. Therefore, it is considered imperative to change the name of the Centre from New Delhi International Arbitration Centre to India International Arbitration Centre so that a unique identity of the institute of national importance as conferred on it by law is evident and reflects its true objective. It is also proposed to make certain consequential amendments under the Act.

3. The Bill seeks to achieve the above objectives.

NEW DELHI;

KIREN RIJJU

the 29th July, 2022.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill proposes to amend clause (a) of section 15 of the New Delhi International Arbitration Centre Act, 2019.

2. Clause (a) of section 15 provides that the proposed India International Arbitration Centre may specify by way of regulations, the manner of conduct of arbitration and other forms of alternative dispute resolution mechanism, both international and domestic.

3. The matters in respect of which regulations may be made under the aforesaid provisions are matters of procedure and administrative details and it is not practical to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE NEW DELHI INTERNATIONAL ARBITRATION CENTRE ACT, 2019

(17 OF 2019)

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An Act to provide for the establishment and incorporation of the New Delhi International Arbitration Centre for the purpose of creating an independent and autonomous regime for institutionalised arbitration and for acquisition and transfer of the undertakings of the International Centre for Alternative Dispute Resolution and to vest such undertakings in the New Delhi International Arbitration Centre for the better management of arbitration so as to make it a hub for institutional arbitration and to declare the New Delhi International Arbitration Centre to be an institution of national importance and for matters connected therewith or incidental thereto.

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AND WHEREAS it has become expedient to take over the undertakings of the International Centre for Alternative Dispute Resolution including its regional offices without interfering with its activities and without adversely affecting its character as a Society but to utilise its existing infrastructure and other facilities which have been set up by using the public funds provided by the Government and to incorporate a robust institution for domestic and international arbitration to be known as the New Delhi International Arbitration Centre;

AND WHEREAS it is considered necessary to declare the New Delhi International Arbitration Centre as an institution of national importance for its overall development as a major arbitration hub by promoting quick and efficient dispute resolution mechanism.

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CHAPTER I

PRELIMINARY

1. (1) This Act may be called the New Delhi International Arbitration Centre Act, 2019. Short title and commencement.

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2. (1) In this Act, unless the context otherwise requires,— Definitions.

(a) “Centre” means the New Delhi International Arbitration Centre established and incorporated under section 3;

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CHAPTER II

ESTABLISHMENT AND INCORPORATION OF NEW DELHI INTERNATIONAL ARBITRATION CENTRE

3. (1) The Central Government shall, by notification, establish a body to be called the New Delhi International Arbitration Centre for the purposes of exercising the powers and discharging the functions under this Act. Establishment and incorporation of New Delhi International Arbitration Centre.

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4. (1) Whereas, the objects of the New Delhi International Arbitration Centre are such as to make it as an institution of national importance, it is hereby declared that the New Delhi International Arbitration Centre is an institution of national importance. Declaration of New Delhi International Arbitration Centre as an institution of national importance.

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Functions of Centre.	<p>15. Without prejudice to the provisions contained in section 14, the Centre shall strive,—</p> <p>(a) to facilitate for conducting international and domestic arbitration and conciliation in the most professional manner;</p>
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Meetings of Centre.	<p>20. (1) * * * *</p> <p>(5) All questions which come up before any meeting of the Centre shall be—</p> <p>(a) decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a casting vote;</p> <p>(b) dealt with as expeditiously as possible and the Centre shall dispose of the same within a period of sixty days from the date of receipt of the application:</p> <p>Provided that where any such application could not be disposed of within the said period of sixty days, the Centre shall record its reasons in writing for not disposing of the application within that period.</p>
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Secretariat.	<p>23. (1) There shall be a Secretariat to the Centre consisting of—</p> <p>(a) Registrar, who shall supervise the activities of the Centre;</p>
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Fund of Centre.	<p>25. (1) * * * *</p> <p>(3) The Fund shall be applied towards meeting the salaries and other allowances of Members and the expenses of the Centre including expenses incurred in the exercise of its powers and discharge of its duties under this Act.</p>
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CHAPTER V

CHAMBER OF ARBITRATION AND ARBITRATION ACADEMY

Chamber of Arbitration.	<p>28. (1) The Centre shall, establish a Chamber of Arbitration which shall empanel the Arbitrators and also scrutinise the applications for admission in the panel of reputed arbitrators to maintain a permanent panel of arbitrators.</p>
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Power to make regulations.	<p>31. (1) * * * *</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may make provision for—</p> <p>(e) the criteria for admission to the panel of reputed arbitrators under sub-section (3) of section 28; and</p>
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Power to remove difficulty.	<p>34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:</p> <p>Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.</p>
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LOK SABHA

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to amend the New Delhi International Arbitration Centre Act, 2019.

(Shri Kiren Rijju, Minister of Law and Justice)