

MINISTRY OF DEFENCE

NOTIFICATION

New Delhi, the 18th May, 2017

S.R.O. 15(E).—Whereas a draft of certain rules relating to the regulation of procedure of Committees of Arbitration which the Central Government proposes to make in exercise of powers conferred by clause (i) of sub-section (2) of section 346 of the Cantonments Act, 2006, (41 of 2006) in supersession of the Cantonments (Regulation of Procedure of Committee of Arbitration) Rules, 1985 except as respects things done or omitted before such supersession, were published as required under sub-section (1) of section 346 of the said Act in the Gazette of India, Extraordinary, Part II, Section 4 vide S.R.O. 13(E), dated the 28th December, 2016 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of sixty day from the date of publication of the said notification;

And whereas, objection received from the public in respect of the said draft rules has been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clause (i) of sub-section (2) of section 346 of the Cantonments Act, 2006 (41 of 2006), and in supersession of the Cantonments (Regulation of Procedure of Committee of Arbitration) Rules, 1985 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules relating to the Cantonment regulation of procedure of Committees of Arbitration, namely:-

1. **Short title and commencement.**—(1) These rules may be called the Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Cantonments Act, 2006 (41 of 2006);
 - (b) ('Committee of Arbitration') means the Committee of Arbitration constituted under section 327 of the Act;
 - (c) words and expressions used in these rules, but not defined and defined in the Act, shall have the same meanings assigned to them in the Act.
3. **Procedure for filing arbitration application.**—The person claiming compensation under section 325 of the Act may apply to the Board containing the following, namely:—
 - (i) details of his case and the basis of his claim;

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(ii) original arbitration agreement, if any, out of or in connection with which the dispute has arisen or any document or information relevant or relied upon.

4. **Convening of Committee of Arbitration.**—On receipt of an application under rule 3, the Board shall convene a Committee of Arbitration to determine the matter in dispute and the Chief Executive Officer may file a reply accompanied by all relevant documents and information thereto.

5. **Reply to be sent to the applicant.**—The Chief Executive Officer shall place a copy of the reply before the Committee of Arbitration and also send a copy of the reply along with the documents, if any, by registered or speed post, to the applicant for his information within a period of forty five days, of the date of receipt of application or within such extended time as may be granted by the Committee of Arbitration for reasons to be recorded in writing.

6. **Statement of reply to be sent by the applicant.**—The applicant may, within a period of thirty days of the date of receipt of the reply or within such extended time as may be granted by the Committee of Arbitration under rule 5, submit a counter reply.

7. **Documents to be in quintuplicate.**—All statements, replies and other documents and papers submitted by the parties to agreement and all documents appended shall be in quintuplicate.

8. **Hearing of parties.**—The Committee of Arbitration may decide the reference on the reply and documents accompanying them after hearing the parties.

9. **Appearance by parties.**—At a hearing, a party shall be entitled to appear either himself or through his counsel or a duly authorised representative.

10. **Procedure for the Committee.**—The Committee of Arbitration may proceed with the reference not with standing any failure by a party or parties to comply with any of the directions of the Committee of Arbitration and may also proceed ex-parte with the reference in the absence of any or both the parties who fail to attend at the time and place appointed by the Committee of Arbitration.

11. **Award to be made in four months.**—The Committee of Arbitration shall make an award within a period of four months from the date of entering on the reference or within such extended time as the parties may agree and where an award has been made, the Chief Executive Officer shall furnish a true copy of the award to the applicant by registered or speed post.

12. **Costs to be awarded.**—The costs of the reference including charges and other expenses, if any, shall be of the discretion of the Committee of Arbitration, which may direct as to which party, and in what manner and the extent of such charges and other expenses or any part thereof shall borne and be paid.

13. **Applicability of provisions of Arbitration and Conciliation Act, 1996.**—In respect of matters not specifically provided for in the rules, the provisions of the Arbitration and Conciliation Act, 1996, shall apply.