

RMK/51/2017-O/o.RMK

Dated 16<sup>th</sup> May, 2018

**Notice inviting applications from eligible persons to be empanelled in the RMK panel of Arbitrators to adjudicate the disputes arising in respect of RMK Office, Delhi.**

Applications as prescribed in the attached guidelines are hereby invited from the eligible persons for empanelment with RMK as an Arbitrator.

Based on the eligibility conditions and the procedure as mentioned in the attached guidelines, applications will be scrutinized by RMK and panel will be finalized.

The duly completed applications from the eligible persons must be submitted latest by 08.06.2018 at the following address.

**Rashtriya Mahila Kosh**  
**B-12, Qutab Institutional Area**  
**Dr. Durgabai Desmukh Kalyan Bhawan,**  
**New Delhi-110016**

No application received after the above due date will be entertained.

For details kindly visit RMK website [www.rmk.nic.in](http://www.rmk.nic.in)

Deputy Director  
RMK, New Delhi

Encl: As Above

## **Guidelines for empanelment and appointment of eligible persons as arbitrator for all cases in RMK.**

It is proposed to expand the existing panel of Arbitrators for RMK Delhi. A person can be empanelled at RMK Delhi.

This panel will be applicable for all kinds of arbitration cases in RMK and following guidelines would comprehensively govern the empanelment of all such persons and also govern the engagement of such empanelled persons as Arbitrator.

### **1. Conditions for empanelment/appointment as Arbitrator.**

**Eligibility:** For empanelment to the panel, a person must fulfil the following conditions:-

#### **1.1. Eligibility Criteria:**

- The candidate must have degree of either LLB, Chartered Accountant, Company Secretary or graduation with Banking (CAIB) background

#### **1.2. Experience:**

- The candidate must have at least 20 years of experience in their respective field and should be between 45-70 years of age.

1.3 Such empanelled persons shall be allowed to be on RMK panel upto 75 years of age only & hence the applicant shall be of less than 75 years of age on 08.06.2018

1.4 Such person shall be physically and mentally fit.

1.5 Such person shall not have been convicted or facing criminal prosecution.

### **3. Payment Terms:**

Fixation of Arbitrator fee and other charges will be dependent on the value of Amount in Dispute and would be regulated as per the following conditions:-

#### **3.1**

a. Arbitration Fee	Dispute amount up to
	a. Rs. 5 lac - Rs 20000 /- per case

	b. Rs 5 lakhs and up to Rs.10 lac - Rs.25000/- per case
	c. Beyond Rs. 10 lac - Rs.30000/- per case

b . Schedule of payment:-

- (i) 25% after filing of statement of claim by RMK ;
- (ii) 25% on filing of statement of defense, and
- (iii) Balance 50% after the pronouncement of award by the Arbitrator and filing of the same in the court.

c. Local Conveyance:-

RMK will provide vehicle for local conveyance from place of residence of Arbitrator in Delhi to RMK Office/place of arbitration and back on the days when arbitration proceedings are actually conducted or reimburse actual taxi expenditure up to Rs. 500/- per day.

d. Secretarial assistance: RMK will provided facilities of typing, photocopying , courier, telephone calls etc. or reimburse actual expenditure on these heads.

#### 4. **Methodology for empanelment**

4.1 The persons who wish to get empanelled should submit their application in the prescribed format (attached) for empanelled of Arbitrators.

4.2 For empanelment of Arbitrator with RMK, the applications may be sent to GM, Rashtriya Mahila Kosh, B-12, Qutab Institutional Area, Dr. Durgabai Desmukh Kalyan Bhawan, New Delhi-110016

4.3 The Screening Committee would comprise of GM and ED, RMK The committee may also co-opt any other member from the field units, if required.

4.4 The above screening committee after examining all the applications would recommend the name of persons to be included in the panel. The panel would be finalized after the approval of ED, RMK on the recommendations of the committee.

4.5 The empanelment will be valid for three years, and before the expiry of such period, the persons who are already empanelled with RMK may be given an opportunity for re-empanelment subject to applicable eligibility conditions and review of their work by RMK.

#### 5. **Duties and Responsibilities of Arbitrators**

5.1 An arbitrator should be fair and absolutely impartial. He should have no bias and should decide the dispute referred to him in a judicious manner and not capriciously or whimsically. The terms of reference under the arbitration agreement should be strictly followed.

5.2 An Arbitrator should not disregard the principles of natural justice. He must have scrupulous regard to the ends of justice. He should have no interest, direct or remote, in the subject matter of the dispute or in any of the parties and should not act as an advocate of the party appointing him.

5.3 An Arbitrator should not accept any illegal gratification or receive any pecuniary inducement which may affect the fair determination of the matters submitted for arbitrator. An arbitrator should not engage in private discussion or conference with one of the parties on any matter connected with the case, in the absence of the opposite party.

5.4 An Arbitrator must give the parties notice of hearing and sufficient opportunity to present their case. Both the parties must be given equal opportunity to produce evidence and to put forward their case.

5.5 The arbitrator is entitled to proceed ex parte if it is clear that the party to whom reasonable notice has been given does not appear or if there is clear indication that he has no intention of appearing.

5.6 An Arbitrator should not misconduct himself or the proceedings. Failure to perform essential duties of an arbitrator is deemed to be a misconduct.

## 6. **Terms & Conditions regarding award:**

6.1 Arbitrator is required to publish the award within one year of the date of his / her appointment in the case.

6.2 The venue of a arbitrator shall be RMK at New Delhi. The Arbitrator may also carry out the Arbitral proceedings at his premises in exceptional circumstances, however, RMK shall not bear any expenses in this regard.

6.3 After completion of Arbitration and Publication of Award by an Arbitrator, a copy of the award should be sent to the RMK Office which has appointed such Arbitrator.

## 7. **Assigning the cases:**

7.1 For all the disputes related to contracts/agreements, arbitrator shall be appointed by Secretary, MWCD from the panel of arbitrators.

7.2 If the Arbitral proceedings are not completed by the Arbitrator in the stipulated time without any sufficient reason, then the appointing authority

shall have the right to transfer the case to any other Arbitrator and/or forfeit the remaining fee and/or remove such Arbitrator from its panel.

7.3 Arbitral proceedings are adjudication proceedings and it is important that the Arbitrator perform their functions with utmost honesty, integrity in the most unbiased, impartial and legit manner. So in case, if the appointing authority of an Arbitrator has strong reasons to believe that the Arbitral Proceedings are not being conducted in the unbiased, impartial or legit manner then such appointing authority shall have the right to transfer the case to any other Arbitrator and/or forfeit the remaining fee and/or remove such Arbitrator from its panel.

7.4 RMK shall also have the right to transfer the case of any other Arbitrator and/or forfeit the remaining fee and/or remove such Arbitrator from its panel if at any stage it is revealed that the applicant has knowingly submitted a false declaration at the time of submitted his/her application for empanelment as an Arbitrator in RMK.

7.5 In cases covered under 7.2 to 7.4 the Arbitrator shall be liable to return all the records pertaining to Arbitral proceedings pending before him/her to RMK.

7.6 These guidelines would be binding on the empanelled Arbitrators.

7.7 The provision as provided in the Arbitration and Conciliation Act 1996 would be followed in all the Arbitral proceedings unless otherwise provided in the contract.

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9. Specialization/Area of Experience:-

<b>S.NO</b>	<b>Specialization/Experience</b> (LLB, Chartered Accountant, Company Secretary or graduation with Banking-Certified Association of Indian Institute of Bankers)	<b>No Of Year</b>	<b>Designation/ Level</b>	<b>Main Responsibilities</b>

- Applicants may attach separate sheet/s for describing their Area of Experience/Specialization(if required).

10. I hereby declare that:

Information given by me in this application form true and correct and nothing material has been concealed and if any information if found incorrect, i may be removed from panel of Arbitrator with immediate effect.