

ICA COMMERCIAL ARBITRATION, CONCILIATION & MARITIME ARBITRATION CLAUSES

ICA ARBITRATION CLAUSE

The Indian Council of Arbitration recommends to all parties desirous of making reference to arbitration by the Indian Council of Arbitration, the use of the following arbitration clause in writing in their contracts:

"Any dispute or difference whatsoever arising between the parties out of or relating to the construction, meaning, scope, operation or effect of this contract or the validity or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of the Indian Council of Arbitration and the award made in pursuance thereof shall be binding on the parties."

ICA CONCILIATION CLAUSE

Parties to a contract who agree to resolve their contractual disputes in accordance with the ICA Rules of Conciliation and to have the ICA act as appointing authority and/or to provide administrative services, may use the following clause:

"If a dispute arises out of or in connection with this contract, or in respect of any defined legal relationship associated therewith or derived therefrom, the parties agree to seek an amicable settlement of that dispute by conciliation under the ICA Rules of Conciliation. The authority to appoint the conciliator/conciliators shall be the Indian Council of Arbitration. The Indian Council of Arbitration will provide administrative service in accordance with the ICA Rules of Conciliation".

Note: Parties may wish to consider adding the following:

- (a) The number of conciliator(s) shall be _____
- (b) The language of the conciliation proceedings will be _____
- (c) Specific qualifications of the conciliator(s) including, but not limited to, language, nationality, technical qualifications and experience.

ICA MARITIME ARBITRATION CLAUSE

Parties can arbitrate future disputes under the ICA Maritime Arbitration Rules by inserting the following arbitration clause:

"All disputes arising under this charter party shall be settled in India in accordance with the provisions of the Arbitration & Conciliation Act 1996 (No. 26 of 1996), and under the Maritime Arbitration Rules of the Indian Council of Arbitration. The Arbitrators shall be appointed from out of the Maritime Panel of Arbitrators of the Indian Council of Arbitration. The arbitrators shall be commercial men."