

**CODE OF CONDUCT FOR ARBITRATORS  
EMPANELLED IN THE SOCIETY FOR  
AFFORDABLE REDRESSAL OF  
DISPUTES - PORTS (SAROD-PORTS)**

## **PREAMBLE**

In order to seek speedy, affordable, just and reasonable redressal of dispute/differences between Major Port Trusts and Concessionaire/Contractor arising out of and during the course of execution of various contracts, a Society for Affordable Resolution of Disputes - Ports (SAROD-Ports) has been formed under the Societies Registration Act, 1860 with registration no. S-E/1715/Distt. South East/2020 dated 30<sup>th</sup> January, 2020. It has been formed by Indian Ports Association and Indian Private Ports and Terminals Association with founding members as mentioned in the Memorandum of Association of SAROD-Ports.

For providing fair opportunity to the parties to the arbitration, the under mentioned Code of Conduct shall apply:

### **Scope of Application**

Where any agreement, submission or reference provides for arbitration at the Society for Affordable Resolution of Disputes - Ports ("SAROD-Ports"), or under the Arbitration Rules of the SAROD-Ports and where the case is a domestic arbitration, the same shall be conducted in accordance with the following Rules, or such Rules as amended by the SAROD-Ports where the amendments take effect before the commencement of the arbitration

These rules shall come into effect from the day of approval by Governing Body of SAROD-Ports.

1. The Governing Body of the Society shall be fully competent to lay down and modify from time to time, the Rules for Conduct & Discipline of Arbitrators and the conduct of the Arbitral Proceedings.
2. Parties to arbitrations to be conducted through the panel of Arbitrators of the Society are entitled to expect of the process, a just, well-reasoned and enforceable award. To that end, they are entitled to expect arbitrators to disclose possible conflicts of interest at the outset; to avoid putting themselves in the position where conflicts will arise during the course of the proceedings; to conduct the arbitration fairly, in a timely manner and with careful regard to due process; to maintain the confidentiality of the arbitration; and to reach their decision in an impartial manner.
3. Anybody willing to be considered for appointment/empanelment as Arbitrator in the Panel of Arbitrators to be maintained by the Society should give written undertaking to fully abide by the Rules of Conduct & Discipline of the Society.

4. While the detailed Rules shall be formulated and modified by the Governing Body from time to time, following are the broad guidelines for framing of the Rules of Conduct & Discipline. The purpose of this note is to provide guidance for broad principles for formulation of the Society's Rules of Conduct & Discipline for the arbitrators, being mainly and broadly concerned with principles and issues of independence, impartiality and confidentiality, and with the effective management of time and costs in accordance with the Main Object of the Society and to achieve its object. The Arbitrators have very significant role to play in achievement of the main objects for which the Society is being formed.

5. Before consideration for appointment/empanelment by the Society, each person desirous to be empanelled/appointed as arbitrator shall

(a) furnish to the Society (in the format as may be decided by the Governing Body) a written resume of his past and present professional position;

(b) Agree in writing upon fee rates and expenses conforming to the fees and expenses as may be decided by the Society.

(c) Sign a declaration (in the format to be decided by the Governing Body) to the effect that there are no circumstances known to him which are likely to give rise to any justified doubts as to his impartiality or independence, other than any circumstances disclosed by him in the declaration. He will make disclosure of his interests, in the form to be decided by the Society, to ensure that there is no conflict of interest in his being appointed as Arbitrator. In completing his statements of independence, the arbitrator will take into account, inter alia, the existence and nature of any past or present relationships, direct or indirect, with any of the parties or their counsel; any doubt as to which must be resolved in favour of disclosure.

(d) Agree to abide by the Rules of Conduct & Discipline formulated by the Society from time to time and to complete the arbitration proceedings in a time bound manner.

6. Each arbitrator shall thereby also assume a continuing duty forthwith to disclose any such circumstances to the Society / Governing Body, if such circumstances should arise after the date of such declaration and before the arbitration is concluded. The Governing Body shall thereafter decide the course of further action in this regard.

7. He will undertake not to accept any privilege, favour or benefit of any kind, monetary or otherwise, immediately or at a later stage or at any time, from the parties to arbitration or any other person at their behest.

8. He should agree that in the event of any of his statements to the Society being found to be false or untrue or his having concealed any material facts,

his services shall be terminated by the Society without any notice and without any compensation whatsoever.

9. He will undertake that he will not leave the arbitral proceedings before completing the arbitral proceedings and finalising the arbitral award, for any reasons whatsoever, except physical inability.

10. He will undertake to do his best to ensure that the arbitral proceedings shall be conducted by him in an honest, diligent, efficient, expeditious and cost effective manner, following and adopting the best practices inherent in the Society's rules and procedures.

11. The Arbitrator will have a duty at all times:

(i) to act fairly and impartially as between all parties, giving reasonable opportunity of putting its case and dealing with that of its opponent; and

(ii) to adopt procedures suitable to the circumstances of the arbitration, avoiding unnecessary delay or expense, so as to provide an efficient and cost effective means for the final resolution of the parties to dispute(s)

12. There is a continuing obligation on all arbitrators immediately to disclose any circumstances that might give rise to conflicts, if such circumstances arise at any time during the course of arbitral proceedings.

13. It is, of course, essential that an arbitrator should be impartial and independent of the parties. All arbitrators conducting arbitration under the Society's Rules shall be and remain at all times impartial and independent of the parties; and none shall act in the arbitration as advocates for any party. No arbitrator, whether before or after appointment, shall advise any party on the merits or outcome of the dispute.

**NOTE:** The expression "the Arbitral Tribunal" includes a sole arbitrator or all the arbitrators where more than one. All references to an arbitrator shall include the masculine and feminine.

**Brief resume of past and present professional position**

1. Name of Arbitrator: Mr/Ms \_\_\_\_\_
2. Email id : \_\_\_\_\_
3. Phone (s) : Home or Office : \_\_\_\_\_ Mobile No \_\_\_\_\_
4. Postal address for communications:  
\_\_\_\_\_  
\_\_\_\_\_
5. Past and present professional experience (in brief):  
\_\_\_\_\_
6. Number of arbitration cases, if any, conducted / handled as Arbitrator. Also indicate the number of cases relating to infrastructure projects (if any).  
\_\_\_\_\_
7. Present post held with pay level, if in service:  
\_\_\_\_\_

Signature with date

**DECLARATION BY THE ARBITRATOR**

I, \_\_\_\_\_ (Name of the Arbitrator) declare that there are no circumstances known to me which are likely to give rise to any justified doubts as to my impartiality or independence. I undertake to disclose my interests, if any, to ensure that there is no conflict of interest in my appointment as Arbitrator. I also undertake to abide by the Code of Conduct formulated by the Society from time to time and to complete the arbitration proceedings in a time bound manner.

Signature with date