AMIKA ARBITRATION AND MEDIATION COUNCIL

Established under the aegis of Amika a Society for Alternative Dispute Resolution
Regd. Under the Societies Registration Act, Government of Telangana

CODE OF CONDUCT AND ETHICS 2021

TO BE READ WITH AAMC MEDIATION & ARBITRATION RULES 2021
(Amended on 31 December, 2023)

Official Governance & Operational Standards

402 & 403 Ace Krishna Arcade, Vanasthalipuram Road,

Hyderabad-500070

TABLE OF CONTENTS

Contents

FOREWORD 3

Preamble and Objective of the Code 4

Part I — Code of Conduct for the Arbitration Committee 4

Part II — Code of Conduct for the Arbitrators 5

1. Duties of Arbitrators (General) 5

2. Conduct of Proceedings 5

3. Fee Structure & Decision-Making 6

Part III — Code of Conduct for the Parties 6

Part IV — Code of Conduct for the Counsels 7

FOREWORD

It is with great pleasure and a profound sense of purpose that the Amika Arbitration and Mediation Council (AAMC) presents this comprehensive work on the evolving landscape of Alternative Dispute Resolution (ADR). Established under the aegis of Amika, a Society for Alternative Dispute Resolution and registered under the Government of Telangana, the AAMC was founded with a singular, steadfast vision: to transform the way disputes are resolved in our society.

At the heart of the AAMC's mission is the goal of making arbitration and mediation Efficient, Simple, Just, User-Friendly, Speedy, Trustworthy, Equitable, Serviceable, and Low-Cost. We believe that justice delayed is justice denied, and our 2021 Rules—amended to reflect the latest international standards and the UNCITRAL framework—are designed to ensure that parties can find resolution without the crushing weight of traditional litigation.

This book of arbitration and mediation rules of AAMC serves as more than just a guide; it is a manifestation of our commitment to transparency and ethical excellence. Within these pages, readers will find the rigorous standards we set for our Arbitration Committee, our esteemed panel of arbitrators, and the parties and counsel who appear before us. From our innovative "Fast Track Arbitration" to our detailed "Code of Conduct," every rule is crafted to foster a serene and positive environment for dispute resolution.

As the legal world increasingly recognises the value of amicable settlements, the AAMC remains at the forefront, providing the administrative expertise and the impartial authority necessary to secure binding, fair, and timely awards. We invite practitioners, scholars, and parties alike to utilise this resource as a roadmap toward a more efficient and harmonious future of the Alternative Dispute Resolution.

President,
Amika Arbitration and Mediation Council (AAMC)

AAMC CODE OF CONDUCT AND ETHICS

Preamble and Objective of the Code

With the goal of making arbitration **Efficient, Simple, Just, User Friendly, Speedy, Trustworthy, Equitable, Serviceable, and at a Low Cost**, this Code aims to establish a set of standards for the Arbitration Committee, Arbitrators, Parties, and Counsel, who are expected to adhere to such standards while performing their respective duties under the auspices of the Amika Council of Arbitration.

This code was developed in response to the fundamental principle that only an arbitration institution can ensure the enforcement of such ethical standards, which are required at various stages of arbitration, from the appointment of an arbitrator to the rendering of an arbitration award. Ad hoc arbitration, on the other hand, can use this code of conduct as a self-regulatory measure to boost confidence in the arbitration institution as a whole. As this code evolves over time, it will be necessary to revise and update it on a regular basis in order to stay current with international standards.

The Code is set out in four structured parts:

Part I	Code of Conduct for the Arbitration Committee
Part II	Code of Conduct for the Arbitrator
Part III	Code of Conduct for the Parties
Part IV	Code of Conduct for the Counsel

Part I — Code of Conduct for the Arbitration Committee

Members of the Arbitration Committee may be appointed as arbitrators during their term of office.

The Arbitration Committee shall consider the following criteria when appointing arbitrators in a case:

- Nature of the dispute
- Availability of the Arbitrators
- Identity of the parties
- Independence and impartiality of the arbitrator
- Any stipulation made in the Arbitration Agreement of the parties
- Past record of the Arbitrator

If an arbitrator with the required skills and experience is not available, the Arbitration Committee may consider a non-panelist for appointment. In such cases, the criteria listed above will also apply.

Part II — Code of Conduct for the Arbitrators

This Code of Conduct will apply to all arbitrators on the panel. Every person nominated as an arbitrator in a case must make the disclosures outlined in the Arbitrators' Declaration of Acceptance of Responsibility and Independence. Arbitrators are expected to follow the rules and policies of the AAMC.

The Arbitrator(s) must follow the Guidelines for the expeditious conduct of Arbitration proceedings, which are annexed to the AAMC Rules of Arbitration.

1. Duties of Arbitrators (General)

To act with honesty, integrity, diligence and dignity to which the profession of dispute resolution is associated:

- Recognize a responsibility to the public, parties, and to all other participants in the proceedings.
- Not solicit appointment; accept appointment only if he/she believes that he/she is adequately competent and qualified and can conduct the proceedings promptly.
- Refrain from entering into any kind of relationship with the parties or the counsel, while serving as an arbitrator, that is likely to affect his/her impartiality.
- Refrain from entering into any ex-parte or private communication relating to the case with any party/counsel after appointment as an arbitrator or member of the panel.
- Not accept any gift or substantial hospitality, directly or indirectly, from any party to the arbitration.

To disclose any interest or relationship with the parties (Continuing Duty):

- Disclose any direct or indirect financial or personal interest in the outcome of the arbitration.
- Disclose any existing or past relationship or interest that might affect impartiality or might create a reasonable apprehension of bias.

To be faithful to the relationship of trust and confidentiality inherent in office:

- Not, at any time, use confidential information obtained during the Arbitration Proceedings to gain personal advantage or advantage for others, or to adversely affect another's interest.
- Keep all information relating to the proceedings confidential unless the parties otherwise agree or any law requires disclosure.
- Not disclose the decision ahead of the time given to the parties.

2. Conduct of Proceedings

Execution of Hearings & Timelines:

- Ensure fair and diligent proceedings by adhering strictly to principles of fairness, patience, courtesy, and equality.
- Ascertain from the parties the designated method of recording the proceedings.
- Allow co-arbitrators, if any, to participate fully in all aspects of the proceedings.
- Act strictly within the scope of authority specified in the arbitration agreement and follow established procedures.

- Do not discuss the case with any party in the absence of the other party, unless otherwise specified in the agreement or required by circumstances (provided proper notice is served and meeting substance is promptly communicated).
- Prepare a binding timetable at the first meeting with parties in accordance with AAMC Rules, establishing clear deadlines for statements, evidence, hearings, and awards.
- Strictly adhere to the timetable; no latitude or indulgence should be granted except for legitimate reasons to be officially recorded.
- After each stage of the proceedings, submit a performance statement reflecting adherence to the timeline.
- Prevent lapse of time between procedural steps and commence continuous day-to-day hearings (Monday through Friday) whenever possible.

3. Fee Structure & Decision-Making

Fees and Independence:

- Regarding fees, the Arbitrator shall be bound by the AAMC's pre-arranged fee structure and shall not enter into any direct financial arrangement with the parties.
- Decide all matters justly using independent judgment without allowing outside pressure to influence decisions.

Structure of the Arbitration Award:

- Construct the award in a logical order centered around key elements: (a) Brief summary of facts, (b) Disputes/issues referred to arbitration, (c) Averments of parties on each issue, (d) Evidence led, (e) Applicable Rules of Law and their application, and (f) Detailed reasons for the award.

Part III — Code of Conduct for the Parties

- The parties must maintain the dignity of the proceedings and act honestly and diligently.
- The parties must follow the Guidelines for Expeditious Conduct of Arbitration Proceedings annexed to the AAMC Rules of Arbitration.
- The parties must deposit the required amount with the Registrar within the specified time frame.
- The parties must respond in a timely manner to reasonable requests for information from the arbitrator or other party(ies).
- The parties shall strictly adhere to the timetable set out by the arbitrator at the first meeting and submit all relevant documents and statements within the specified timeframe.
- The parties shall not provide any hospitality, either directly or indirectly, to the Arbitrator(s).
- The parties will pay the agreed-upon fees as well as their share of the costs specified in the award.
- During the proceedings, the parties must comply with all orders, directions, and rulings issued by the arbitrator(s).
- The parties shall refrain from using dilatory tactics and shall make every effort to resolve the dispute as quickly as possible.

Part IV — Code of Conduct for the Counsels

- Throughout the Arbitration Proceedings, the Counsels must cooperate fully with the parties and the Arbitrator(s).
- The Counsels shall strictly follow the Code of Conduct established by the Bar Council of India.
- The Counsels shall maintain punctuality, decency, and decorum appropriate to the legal profession.
- The Counsels shall respect the tribunal and the parties, refraining from shouting or raising their voices unnecessarily during hearings.
- The Counsels shall not seek adjournment of hearings without valid reasons, shall allocate sufficient time for arbitration proceedings, and shall respect the intent of the Alternative Dispute Resolution system for speedy disposal of cases.