

PART C.—THE ARBITRATION (PROTOCOL AND CONVENTION)
ACT, 1937

The following rules were framed by the High Court of Punjab in exercise of the powers conferred by Section 10 of the Arbitration (Protocol and Convention) Act 1937 and approved by the Governor of the Punjab under Section 224* of the Government of India Act, 1935. (25 and 26 Geo. V, Chapter 42) :-

Rules under Section 10 of the Arbitration (Protocol and Convention) Act, 1937.

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| 1. All applications, affidavits and proceedings under the Act shall be entitled "in the matter of the Act", and in the matter of the Arbitration. | Title of application etc. |
| 2. Applications under Section 3 shall be made to the Court whose proceedings are intended to be stayed, and applications under Section 5 shall be made to the Court having jurisdiction over the subject-matter of the award. | What application shall be by petition. |
| 3. Every petition shall be divided into paragraphs, numbered consecutively, and shall contain, in a summary form, a statement of the material facts relied on, and the nature of the relief asked for, and shall specify the persons liable to be affected thereby. | Contents of petition. |
| 4. Upon an application for stay of proceedings under Section 3 of the Act being filed, the Court shall direct notice to be given to the party or parties to the legal proceedings, other than the applicant, requiring him or them to show cause, within a time specified, why the order should not be made, unless the Court is satisfied that the object of the application would be defeated by the delay occasioned by the notice. | Stay of proceedings under Section 3 of the Act. |
| 5. The party seeking to enforce a foreign award shall produce with his petition | Documents to be produced with the petition for enforcement of a foreign award. |
| (a) the document specified in Section 8 (i) of the Act and, where such document is in a foreign language, the translation thereof into English, certified in the manner prescribed in Subsection (2) of the said Section 8; | |
| (b) the original agreement for arbitration or an authenticated copy thereof and, when the same is in a foreign language, the translation thereof into English certified in the manner prescribed in. Sub section (2) of the said Section 8; | |

*Corresponds to Article 227 of the Constitution of India.

- (c) an affidavit or affidavits showing (1) that the said agreement was valid under the law by which it was governed, (2) that the award was made by the tribunal provided for in the agreement or constituted in the manner agreed upon by the parties, (3) that it was made in conformity with the law governing the arbitration procedure and (4) that it has become final in the country in which it was made; and
- (d) Other document or documents in support of his application.

Procedure to be followed in case of non-production of documents with petition for enforcement of award.

6.If the application under section 5 of the Act be presented for admission without the document specified in Rule 5 (a) above, it shall forthwith be returned to the party presenting it. If such application is unaccompanied by the documents specified in Rule (5) (b) and (c) above, the Court may allow time within which such documents must be filed.

Execution of decrees and orders.

7.The provisions of the Code of Civil Procedure and the Rules and Orders of the High Court relating to execution of decrees and orders shall, *mutatis mutandis*, be applicable to the execution of decrees and orders under the Act.

Fees payable on proceedings.

8.The fees in respect of proceedings under the Act shall be according to the scale of fees applicable to proceedings under Section II of the Code of Civil Procedure.

II. As regards the powers which have been notified to be parties to the Convention and the territories to which the Convention applies see Central Government (Department of Commerce) Notification 103 (4)/II-Tr, dated the 8th January, 1938.