

LL.M. 2ND SEMESTER
OPTIONAL PAPER
LAW REGULATING ALTERNATE DISPUTE RESOLUTION

LAW OF ARBITRATION IN INDIA

Paper: 203-C

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- The primary objective of the course is to equip students with necessary knowledge and skill to excel in the field of arbitration.
- It aims to provide learners the knowledge of the conceptual framework, attributes, general principles and procedure of arbitration under Arbitration and Conciliation Act, 1996.
- To provide an outline as to how arbitration proceeding is conducted and to have a clear understanding as the laws governing domestic arbitration in India.

UNIT-I

Arbitration Agreement and Arbitral Tribunal

- Salient features and Scope of the Arbitration and Conciliation Act, 1996.
- Arbitration Agreement, Power to refer parties to Arbitration, Interim Measures etc. by Court.
- Composition of Arbitral Tribunal: Number of Arbitrators, Appointment of Arbitrators, Grounds of Challenge, Procedure, Failure or Impossibility to act, Termination of Mandate and Substitution of Arbitrator.

UNIT-II

Jurisdiction and Conduct of Arbitral Proceeding

- Jurisdiction of Arbitral Tribunals: Competence of Arbitral Tribunal to rule on its Jurisdiction, Interim Measures ordered by Arbitral Tribunal.
- Conduct of Arbitral Proceedings: Equal Treatment of Parties, Determination of Rules of Procedure, Place of Arbitration, Commencement of Arbitral Proceeding, Language, Statements of Claim and Defence, Hearings and Written Proceedings, Default of a Party, Expert Appointed by Arbitral Tribunal, Court Assistance in Taking Evidence.

UNIT-III

Arbitral Award and Recourse against Arbitral Award

- Making of Arbitral Award and Termination of Proceedings: Rules applicable to substance of dispute, Decision making by panel of arbitrators, Time limit for arbitral award, Fast track procedure, Settlement, Form and contents of arbitral award, Regime for costs, Termination of proceedings, Correction and interpretation of award, additional award.
- Recourse against arbitral award: Application for setting aside arbitral awards.
- Finality and enforcement of arbitral awards.
- Appealable orders and Miscellaneous

UNIT-IV

Arbitration Council of India and Enforcement of Foreign Awards

- Arbitration council of India: Establishment, Incorporation, composition, duties and function of council, resignation and removal of members, appointment of experts, general norms for grading of arbitral institutions and norms for accreditation of arbitrators.
- Enforcement of New York Convention Awards: Definition, Power of judicial authority to refer parties to arbitration, When foreign award binding, Evidence, Conditions for enforcement of foreign awards, Enforcement of foreign awards, Appealable orders.
- Enforcement of Geneva Convention Awards: Interpretation, Power of judicial authority to refer parties to arbitration, Foreign awards when binding, Evidence,

Conditions for enforcement of foreign awards Enforcement of foreign awards,
Appealable orders.

COURSE OUTCOME:

- The course helps the students to develop fundamental understanding regarding process of arbitration to help their clients and society by adopting the most effective, just and human method of dispute settlement.
- It helps the learners to understand arbitration process and develop the arbitration skills and prepare them as arbitrators.
- The students will learn how to encourage and promote arbitration in different fields as an effective substitute of court.

SUGGESTED READINGS:

1. Dr. Avatar Singh : Law of Arbitration and Conciliation including ADR System.
2. P. C. Markanda : Law Relating to Arbitration and Conciliation.
3. Tripathi S.C : Arbitration, Conciliation and ADR.
4. Justice R.S. Bachavat : Law of Arbitration & Conciliation Act, Vol – I & II.
5. G. K. Kwatra : The Arbitration and Conciliation Law of India.
6. P. C. Rao and William Sheffield: Alternative Dispute Resolution.
7. Justice P.S Narayana : The Arbitration and Conciliation Act.