

**CLASS:- LL.M. 3<sup>rd</sup> SEMESTER**  
**OPTIONAL PAPER**  
**INTERNATIONAL COMMERCIAL ARBITRATION**

Paper: 303-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**

- To understand the origin, development, kinds and fundamental principles of international commercial arbitration and to know impact of UNICITRAL Model Law on international commercial arbitration.
- To learn about the composition and functioning of international court of arbitration and other international commercial arbitration institutions.
- To know the process of enforcement of foreign award through New York Convention Awards and Geneva Convention Awards.

**UNIT-I**

***General Principles of International Commercial Arbitration***

- International Commercial Arbitration: Concept, Nature, Scope and Importance of International Commercial Arbitration.
- International Commercial Arbitration: Historical Development, Kinds of International Commercial Arbitration, Ad-Hoc Arbitration, Difference between Domestic Arbitration and International Arbitration.
- Theories in International Commercial Arbitration: Jurisdictional Theory ,Contractual theory Hybrid theory, Autonomous Theory.
- UNICITRAL Model law on International Commercial Arbitration.

## **UNIT-II**

### ***International Commercial Arbitration Institutions***

- International Court of Arbitration.
- International Centre for A.D.R.
- The London Court of International Arbitration.
- The International Chamber of Commerce rules.
- Indian Council of Arbitration (ICA).
- Singapore International Arbitration Centre.

## **UNIT- III**

### ***Law Relating to International Commercial Arbitration***

- Role of Private International Law in Settlement of Commercial Disputes: Application of Private International Law to Contractual Relations.
- Law Governing Arbitration Agreement: Choice of law, Seat Theory, Proper law of Arbitration Agreement, Lex loci Arbitri, Lex Loci Contracts and Lex Loci Solutionis.
- Problems arising out of the application of rules of Private International Law, Lack of uniformity among countries, Defense of Sovereign Immunity in arbitration proceedings relating to disputes between States and Persons.
- The United Nations Convention on Jurisdictional Immunities of States and their Properties of 2004.

## **UNIT-IV**

### ***Foreign Arbitral Award and Its Enforcement***

- Foreign Arbitral Award: Meaning, Nature and Scope
- International Conventions Related to Recognition and Enforcement of Foreign Arbitral Awards.
- Indian Position: Enforcement of Foreign Arbitral Award under two Conventions: New York Convention Awards and Geneva Convention Awards. under Arbitration and Conciliation Act, 1996

### **COURSE OUTCOME**

- The students will acquaint with concept, nature, scope, principles and significance of International Commercial Arbitration and with various international bodies of arbitration i.e. International Court of Arbitration, International Centre for ADR, etc.
- The course helps the learners to assess applicable laws in field of International Commercial Arbitration and procedure of enforcement and recognition of foreign arbitral award in India.

### **SUGGESTED READINGS**

1. Ashwini Kumar Bansal : International Commercial Arbitration, Practice and Procedure.
2. Margaret L. Moses : The Principles and Practice of International Commercial Arbitration.
3. E. Grenig : International Commercial Arbitration, West Thomson Reuters.
4. Justice R.S. Bachawat, Anirudh Wadhwa, Anirudh Krishnan: Law of Arbitration and Conciliation with Exhaustive Coverage of International Commercial Arbitration & ADR.

### **STATUTORY MATERIAL**

Arbitration and Conciliation Act, 1996