

**CLASS:- LL.M. 3<sup>rd</sup> SEMESTER**

**OPTIONAL PAPER**

**INTERNATIONAL COMMERCIAL AND INVESTMENT ARBITRATION**

Paper: 303-F

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 from entire syllabus.
3. There shall be two questions in each Unit i.e. Unit II to IV.
4. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit II to Unit IV. Each question shall carry twenty marks.

**COURSE OBJECTIVE:**

- Main purpose of the course is to make students able to deal with the typical cases resolved in international commercial and investment arbitration worldwide.
- To make research and prepare and represent legal argumentation.
- With the help of this course students will obtain knowledge on legal mechanism of international commercial arbitration in national, comparative and transnational aspects.
- It will increase the understanding about the role of international commercial arbitration and practical legal skills.

**UNIT I**

***Overview and Principles of International Commercial Arbitration***

- History, nature and extent of Arbitration
- Essence of International Commercial Arbitration
- Principles of International Commercial Arbitration
- Legal Framework of Arbitration
- Arbitration and International Law, International Investment Arbitration

**UNIT II**

***Arbitration Agreement***

- Legal perspective of Arbitration Agreement
- Autonomy, Validity and Interpretation principle
- Subjective and Objective Arbitrability
- Arbitration Agreements

### **UNIT III**

#### ***Evolution of Fair and Equitable Treatment and Full Protection and Security***

- Fair and Equitable Treatment: Evolution and Development.
- Full Protection and Security: Origin and Current Status
- Judicial Evolution in field of FET and FPS.

### **UNIT IV**

#### ***Evidences Cost and Arbitral Award***

- Evidence in Arbitration
- Costs in Arbitration
- Arbitral Award, Arbitrators and Arbitration Procedure.
- Annulment of Arbitral Award

### **COURSE OUTCOME:**

- Ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach,
- Ability to work in international legal environment, use international private law in day-to-day legal activity,
- Ability to find most effective and appropriate legal decision of the problem, develop problem-oriented and client-oriented approaches,
- Ability to search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods,
- Ability to describe legal problems and situations occurring in professional sphere.

### **SUGGESTED READINGS:**

1. Choosing the Language of Transnational Deals by Patrick L. Del Duca ,ISBN: 9781604429374, Publication Date: 2011-07-16.
2. Compendium of International Commercial Arbitration Forms by Sigvard Jarvin; Corinne Nguyen,ISBN: 9789041185877, Publication Date: 2017-08-23.
3. Conflict of Laws in International Commercial Arbitration by Franco Ferrari, Stefan Kroll,ISBN: 9781944825317, Publication Date: 2019.
4. International Arbitration and the COVID-19 Revolution by Maxi Scherer (Editor); Niuscha Bassiri (Editor); Mohamed S. Abdel Wahab (Editor), ISBN: 9789403528458, Publication Date: 2020-11-17.
5. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses (also available as an eBook through the Law Library's "Databases A-Z" list), ISBN: 9781107151871, Publication Date: 2017-04-06