

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-X

Course Code	BAL909
Course Title	International Commercial Arbitration
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12th
Course Objectives (Co.)	The main purpose of the course is to make students able to deal with the most typical cases considered by the arbitral tribunals worldwide, to make research, prepare and represent legal argumentation based on the critical analysis of legal concepts. This course also serves as a platform for preparation of students eager to participate in international commercial arbitration moot courts.

UNIT-I

Introduction:

Concept and nature and emergence of International Commercial Arbitration

Dispute resolution in international trade

Important terms used in international commercial arbitration

International Arbitration Institutions

A comparison between institutional versus ad-hoc rules of arbitration

UNIT-II

Applicability of Laws:

Types of laws applicable in international commercial arbitration

Governing law of arbitration, Law applicable to the substantive and procedural issues

Enforcing the choice of law clause

Party Autonomy: Choice of law (Seat Theory), Choice of national law.

Conflict Rules

UNIT-III

Regulating International Commercial Arbitration:

An introduction to UNCITRAL Model law on International Commercial Arbitration

Judicial intervention to arbitration

Reference to arbitration

Interim measures

General policy for enforcement, review and refusal of foreign award in India .

UNIT-IV

Recognition or enforcement of foreign arbitral awards:

Foreign award- meaning

The International Conventions for recognition and enforcement of arbitral awards

Reciprocity and commercial reservation

Indian law- scope and applicability

Recognition and enforcement of annulled awards

Suggested Readings:

Jay E. Grenig, International Commercial Arbitration, West Thomson Reuters, 1st ed.(2014).

Kroll, Laukas A Mistelis, Viscasilas, V. Rogers, International Arbitration and International Commercial Law, Kluwer International (2011)

Gaillard, E., & Bermann, G. A. (2017). Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards : New York, 1958. Brill | Nijhoff.

Goswami, N. (2007). CIArb sets out guidelines on how to interview an arbitrator. Lawyer, 21(19), 6.

International arbitration : cases and materials, Born, G. B., 2015

United Nations Commission on International Trade Law. (2012). UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration. United Nations Publications.

