

Certificate Course on arbitration

Course Objective:

The objective of the course is to familiarize the members with the legal framework of arbitration in the country, its history and background, international scenario-procedure and practices, procedural aspects of the arbitration process, arbitration award, challenge of the award, etc and equip them with the necessary level of expertise necessary for stepping into the area of practice. It is also designed to cover practical aspects comprising case studies and mock arbitral proceedings.

Methodology of teaching:

Apart from the comprehensive theoretical aspects, this course, first of its kind in India, will sharpen the expertise and excellence of our members through multiple case studies and mock arbitration proceedings. Participants will have to undergo a test at the end of the course for getting a completion certificate.

Faculty

Faculty will be drawn from the practicing legal fraternity, members and other academicians from the field who have in-depth theoretical and practical knowledge in the subject.

Syllabus

The course contents for Certificate Course on Arbitration comprised of the following Seven Modules:

- Module I – Introduction to Alternative Dispute Resolution
- Module II – Allied Laws
- Module III – Arbitration in India
- Module IV – Arbitration Procedure
- Module V - Arbitration Award
- Module VI - Skills, Ethics and Economics in Arbitration
- Module VII - Arbitration in Other Countries and Emerging Trends

Detailed Course Contents

MODULE I – INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION

- Litigation, Arbitration, Mediation and Negotiation
- Principles of Natural Justice in ADR
- History of ADR
- ADR law in India
- UNICITRAL model law and rules
- Choice of ADR – in commercial disputes

Evaluation mode – Assignment or Research Paper

MODULE II – ALLIED LAWS

- Indian Legal System
- Civil Procedure Code
- Indian Limitation Act
- Indian Evidence Act
- Indian Contract Act
- Overview of Corporate Laws
- Information Technology Act

Assignment/ case study/

MODULE III – ARBITRATION IN INDIA

- Arbitration and Conciliation Act 1996
- Types of Arbitration (Ad hoc, Institutional, Statutory)
- International Arbitration / Domestic Arbitration
- ICA rules
- Arbitration Tribunal (Appointment, challenge, Jurisdiction, Powers,)

Case study

MODULE IV – ARBITRATION PROCEDURE

- Arbitration Agreement (Clauses having effect of arbitration agreement, Parties who can make reference, Time for reference, Validity)
- Appointment of Arbitrator
- Choice of Governing Law and place of Arbitration
- Interim Measures
- Termination of Arbitrator
- When ARBITRATIONS fail

- Expert Advice
- Record of Evidence

Mock Arbitration

MODULE V – ARBITRATION AWARD

- Rules
- Form and content
- Drafting of award
- Correction and Intimation
- Grounds for setting aside award
- Limitation and Res Judicata
- Enforcement of Foreign Awards - Geneva Convention
- Enforcement of Foreign Awards - New York Convention
- Minutes of Arbitral Proceedings

Mock exercise on award writing/ case study

MODULE VI –SKILLS, ETHICS AND ECONOMICS IN ARBITRATION

- Ethical issues in Dispute Resolution
- ICAI code of Ethics for Arbitrators
- Cost Consideration in Arbitration

Case study/ Role play

MODULE VII – ABITRATION IN OTHER COUNTRIES AND EMERGING TRENDS

- ADR in other countries
- Online Dispute Resolution (NEED AND CHALLENGES IN INDIA)
- International Chamber of Commerce Rules of Arbitration
- International Arbitration Centers.

Research paper on Comparative ADR or ODR or assignment