



**Anand Law College**  
(An Autonomous Institute, Under UGC Regulation-2023)

Managed by Shri Ramkrishna Seva Mandal

Near Grid, Anand, Gujarat

(Affiliated to S. P. University & Approved by BCI, New Delhi)

NAAC Accredited, 'B++' Grade, CGPA 2.97 - 1<sup>st</sup> Cycle

Syllabus with effect from the Academic Year 2024-25

<b>Name of Course : Corporate and Commercial Law</b>	<b>Type of Course: Choice Based Credit System(CBCS)</b>
<b>Year : One year LLM course</b>	<b>Semester : 2<sup>nd</sup> Semester</b>
<b>Subject Code : ALCPG2SCCL1</b>	<b>Subject : COMMERCIAL ARBITRATION</b>
<b>W.E.F. : 2025-26</b>	<b>Teaching Hours: 30 Hours</b>

**Title of the Course : COMMERCIAL ARBITRATION**

**Teaching & Examination Scheme:**

Credit	Lec	Lab	Tut	Internal Marks			External Marks		Passing Marks	Passing Marks	Total Marks
				T	P	CE	T	P	Internal	External	Int+Ext
2	2	-	-	30	-	10	60	-	16/40	24/60	40/100

<b>Course Objectives:</b>	Commercial arbitration is the preferred method of resolving commercial disputes both globally as well as within India. Disputes relating to international trade, foreign investments, insurance and reinsurance, and construction are generally being resolved by arbitration. In India the Arbitration & Conciliation Act 1996 has been enacted in pursuance of the UNCITRAL model law incorporating provisions enacted as per the Geneva Convention and the New York Convention. The object of the course is to impart, theoretical as well as practical, knowledge and understanding, to the students of international arbitration. After the end of the course, the students shall have gained a thorough knowledge of the new UNCITRAL's model law, its arbitral rules, the New York Convention of 1958, and of the legal issues that might arise in this context. Additionally, the students shall gain an overall knowledge of the world's leading arbitration institutions, and their rules of procedure. The course also focuses on international commercial arbitration outlining the legal issues in the choice of law and forum for arbitration.
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**Course Outcome (CO):**

Upon completion of the course, student shall be able to

<b>CO1</b>	Explain the concept, significance, and advantages of commercial arbitration as a preferred mechanism for resolving domestic and international commercial disputes.
<b>CO2</b>	Analyze the framework and key provisions of the UNCITRAL Model Law, UNCITRAL Arbitration Rules, and their influence on international arbitration practices.
<b>CO3</b>	Interpret and apply the provisions of the Arbitration and Conciliation Act, 1996, with specific reference to its alignment with the New York Convention (1958) and Geneva Convention.
<b>CO4</b>	Examine the legal principles governing international trade, foreign investment, insurance, reinsurance, and construction disputes resolved through arbitration.
<b>CO5</b>	Evaluate the role, jurisdiction, and procedural rules of leading international arbitration institutions and compare their arbitration procedures.



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CO6	Assess critical legal issues in international commercial arbitration, including choice of law, choice of forum, and enforcement of arbitral awards.
CO7	Apply theoretical and practical knowledge of international arbitration to real-world dispute resolution scenarios and case studies.

<b>ALCPG2SCCL1: COMMERCIAL ARBITRATION</b>		
<b>MODULE</b>	<b>Introduction and frame work</b>	<b>Weightage/ Credits / Hours</b>
<b>1</b>		
1.1	Importance concept and nature of ADR, arbitration, dispute resolution in international trade	<b>15% (2) 7 Hours</b>
1.2	Important terms used in Commercial Arbitration; Types of arbitration;	
1.3	Overview of Arbitration & Conciliation Act 1996, as amended by the Arbitration and Conciliation Amendment Acts: 2015, 2019, 2021	
<b>MODULE</b>	<b>Arbitration agreement and Jurisdiction</b>	
<b>2</b>		
2.1	Arbitration Agreement Significance of arbitration agreement;	<b>15% (2) 7 Hours</b>
2.2	Forms of arbitration agreement & definitions and validity;	
2.3	Foreign arbitration agreement;	
2.4	Jurisdiction of arbitral tribunal;	
2.5	Theory of competence-competence	
2.6	Judicial Landmark Case law	
<b>MODULE</b>	<b>International Commercial Arbitration</b>	
<b>3</b>		
3.1	International Commercial Arbitration Uncitral Model Law on Arbitration;	<b>15% (2) 8 Hours</b>
3.2	Governing Law of Arbitration, Applicable Law and Choice of Law and Principles And Judicial Intervention	
3.3	Conflict Rules;	
<b>MODULE</b>	<b>Indian arbitral Adoption and Judicial Approach process and enforcement</b>	
<b>4</b>		
4.1	Enforcement of Arbitral Awards	<b>15% (2) 8 Hours</b>
4.2	Appointment of arbitrators	
4.3	Choice of Law (Seat Theory) Jurisdiction of Arbitral Tribunal	
4.4	Independence and impartiality of the tribunal Arbitral process	
4.5	Party autonomy and arbitral award Grounds for setting aside arbitral award Recognition and enforcement of foreign arbitral awards;	



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### Suggested References:

Sr. No.	References
	<ul style="list-style-type: none"><li>• Bansal A K 'Law of International Commercial Arbitration' 2<sup>nd</sup>Edn. Universal Law Publishers.</li><li>• Saraf, B.P. and M. Jhunjhunwala; Law of Arbitration and Conciliation; Snow White Publication</li><li>• S.K. Chawla, Law of Arbitration &amp; Conciliation –Including other ADRs, 3rd edn2012 Eastern Law House, New Delhi</li><li>• Dr.Markanda P.C., Law Relating to Arbitration and Conciliation 8thEdn., 2013 Lexis Nexis</li><li>• Mohta VA., Arbitration Conciliation and Mediation, Manupatra</li><li>• Justice SB Malik, Commentary on The Arbitration and Conciliation Act, 2013, Universal Law Publishing Co.,</li><li>• Nigel Blackabyet. al., Redlam &amp; Hunter on International Arbitration 23rdEdn. Thomson Reuters</li><li>• Avtar Singh, 'Arbitration and Conciliation Act' 10th Edition, 2013, EBC, Lucknow.</li></ul>
<b>Online Reference</b>	<ul style="list-style-type: none"><li>• <a href="https://legalaffairs.gov.in/sites/default/files/Arbitration_Mediation.pdf">https://legalaffairs.gov.in/sites/default/files/Arbitration_Mediation.pdf</a></li><li>• <a href="https://www.globallegalinsights.com/practice-areas/international-arbitration-laws-and-regulations/india">https://www.globallegalinsights.com/practice-areas/international-arbitration-laws-and-regulations/india</a></li><li>• <a href="https://indiankanoon.org/doc/179995519/">https://indiankanoon.org/doc/179995519/</a></li><li>• <a href="https://www.sconline.com/blog/post/2023/11/01/competence-competence-doctrine-indian-arbitration-law-jurisprudence-in-depth-analysis/">https://www.sconline.com/blog/post/2023/11/01/competence-competence-doctrine-indian-arbitration-law-jurisprudence-in-depth-analysis/</a></li><li>• <a href="https://globalarbitrationreview.com/insight/know-how/challenging-and-enforcing-arbitration-awards/report/india?">https://globalarbitrationreview.com/insight/know-how/challenging-and-enforcing-arbitration-awards/report/india?</a></li></ul>