

Advanced Arbitration

A Practitioner's Perspective

The arbitral practice in India has been subjected to immense criticism owing inconsistent practice and various conflicting judgements by not only the High Courts but also in multiple instances by the Supreme Court. Aspects like execution of the award, interim measures etc have been observed to extremely inconsistent for example deviations between the High Court of Bombay and the Delhi High Court on multiple occasions. These inconsistencies have lead emergence of different practices pertaining to the same legislation across the country.

The proposed course shall attempt to track the correct practices prevailing by an exhaustive assessment of judgments passed by the High Courts and the views taken therein. This course shall track the international best practices and approaches adopted by different jurisdictions (Common Law only) and gauge the distinction/gap in the Indian scenario. The clamour about creating an arbitration bar starts with an aware and well versed set of lawyers adept with the first principles, which the proposed course attempts to create within a smaller ecosystem. Aspects like drafting an arbitration agreement, negotiating a procedural timetable, conducting witness examination, assessing interim measures and reading awards etc shall be the mainstay of this course by focussing on real time cases.

There shall be guest lectures on aspects of cross examination an drafting statement of claims and defence and areas which should be focussed upon while drafting. The attempt shall be to create a distinction between civil trials and arbitral trials and how to conduct them efficiently.