



**NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BENGALURU**

**NLSIU International Seminar Series-2 on
'Enforcement Trends of Arbitral Awards: A Comparative
Perspective'**

July 27th and 28th 2018



Venue: International Training Centre

National Law School of India University

Nagarbhavi, Bengaluru, India 560 242

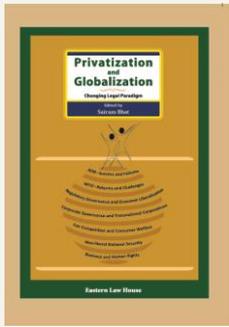
About National Law School of India University, Bengaluru

The National Law School of India University, the Nation's premier law university, came into existence through a Notification under the National Law School of India University Act (Karnataka Act 22 of 1986). It signified the culmination of efforts by the Judiciary, the Bar Council of India, the Karnataka Bar Council, the Bangalore University and the Government of Karnataka to reform legal education and to establish a centre of excellence for legal education and research in India.

The Chief Justice of India is the Chancellor of the University. The Chairman, Bar Council of India, is the Chairman of the General Council. These connections lend a stature and prestige to the School which is unparalleled in the history of legal education in India. The Karnataka Act confers complete administrative and academic autonomy which facilitates innovation and experimentation in the pursuit of excellence in legal education. The Law School has undertaken many research projects funded by the UGC, the Government of India, the Government of Karnataka, the Department of Women and Child Development, UN agencies, the World Bank, HIVOS etc. These have served to strengthen research and teaching at the Law School.

Prof. (Dr.) Sairam Bhat, Professor Law & Coordinator for Centre for Environmental Law Education, Research and Advocacy (CEERA), NLSIU is responsible for several publications on Contracts and Commercial Agreements such as the "Law Relating to Business Contracts in India, SAGE, India 2009", "Contracts, Agreements and Public Policy [NLSIU Book Series -1] which covers, in depth, various aspects relating to contractual obligations, commercial disputes, arbitration clauses in commercial contracts etc. CEERA, under the guidance of Dr. Bhat has also undertaken multiple projects and organised numerous programs including a Three Day Bridge Course on the 'Law and Practice of Arbitration in India' at NLSIU and the Bishop Cotton's Women Christian Law College, Bengaluru, which has seen tremendous participation and enthusiasm from all stakeholders.

The Centre is involved in arbitration matters, by not only organizing certification's courses but by also drafting legal opinions, drafting arbitration agreements, advising clients on arbitral matters and also has undertaken a major research projects for a public sector organisation on such matters. The Centre is involved in preparing briefs for arbitration matters and the team members from the centre have also appeared in arbitral proceedings.



The Centre had also organized an International Conference on *Liberalization, Privatization and Globalization- Changing Legal Paradigm* in the year 2016 and a book on the same was published by the Eastern Law House, which was an amalgamation of the articles that were presented at the Conference.

About the Workshop

Post the 1991 Economic Reforms India has seen an upsurge in international trade, investment and commercial transactions. This upsurge has also been accompanied by an increase in cross-border commercial disputes in India, which has necessitated an efficient dispute resolution mechanism.

Taking these factors into account and with the aim of having a time-efficient and cost-effective method of settling cross-border disputes, international commercial arbitration has emerged as a preferred choice of multiple parties. India in 1996 adopted the Arbitration and Conciliation Act in line with the new developments that were taking place in the sphere of commercial dispute resolution. This legislation aimed at providing an efficacious and speedy dispute resolution mechanism and a suitable alternative to the domestic judicial system that was marred with excessive delay and backlog of cases.

The enforcement and execution of arbitral awards, both domestic and foreign are governed by the Arbitration and the Conciliation Act, 1996 read with the Civil Procedure Code, 1908 in India. India is also a signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 as well as the Geneva Convention on the Execution of Foreign Arbitral Awards, 1927. According to these conventions, if a party receives a binding award from a country which is a signatory to them and the award is made in a territory which has been notified as a convention country by India, the award would then be enforceable in India.

In India, the 1996 Act deals with the substantive law that governs the enforceability and execution of an award and the Civil Procedure Code deals with the procedures that are to be followed when seeking an execution of an award. The award can be enforced under the Code of Civil procedures unless challenged under the 1996 Act and when the time period for filing

the objections has expired or the objections have been rejected. The arbitral award is final and binding under the Arbitration and Conciliation Act on the parties to the dispute.

Aspects such as challenging a foreign arbitral award in domestic courts, the role of the domestic Courts in enforcement of a foreign arbitral award and conditions for the enforcement of arbitral awards also need to be studied carefully.

The laws relating to Arbitration and international commercial dispute settlement become even more crucial taking into account the current position of India which has around 83 Bilateral Investment Treaties with multiple nations. The country promises to be one of the most attractive destinations for FDI but is also a party to multiple investor-state arbitrations filed against it by foreign investors. A few cases are still pending against it and the country has already lost two cases.

Such a study becomes necessary taking into consideration the fact that India recently has given notice of unilateral termination of 58 Bilateral Investment Treaties (BIT) and is in process of signing some crucial BITs as well. This seems to indicate that India intends to sign anew Bilateral Investment Treaties based on the Model BIT that it published in 2015 replacing all the existing BITs.

Understanding, analytically the processes of international commercial arbitration and enforcement of such arbitral awards becomes imperative given the number of international commercial disputes against India. These issues also need to be focused upon in light of the Arbitration and Conciliation (Amendment) Ordinance, 2015 amending the Arbitration and Conciliation Act, 1996 to understand its implications on such arbitral awards.

When looking at enforcement trends of arbitral awards one must also focus on the distinction and the similarities that exist in common and civil law countries since an arbitral award can be enforced in most countries and such enforcement is recognized by the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1959. There are very few nations that are not party to this Convention and the rules concerning the recognition and enforcement of arbitral awards in different jurisdiction need to be understood. The grounds of challenge for the refusal of recognition and enforcement of the award such as the ground of public policy and the interpretation of the same by Courts across jurisdictions also need to be discussed.

The Two Day International Seminar on Enforcement Trends of Arbitral Awards intends to look at these matters from an analytical lens and understand the practical implications of such legal developments in the area of international commercial arbitration.

The Seminar will invite presentations and papers on the following themes:

1. International Commercial Arbitration: Issues and challenges
2. Domestic legal framework on commercial Arbitration: Recent developments, issues and challenges, comparative perspectives
3. Challenging a foreign arbitral award in domestic courts: Law and Procedures
4. Enforcement of foreign arbitral award: Process, issues and trends
5. Distinction and similarities in the enforcement trends of arbitral awards in common and civil law countries.
6. International investment arbitration: Framework and challenges
7. Bilateral Investment Treaties and Arbitration: Developments, issues and challenges.
8. Impact of changes to Arbitration law on foreign arbitral awards and enforcement

Who Can Attend:

All interested legal practitioners, arbitrators, academicians, research scholars, solicitors, attorneys, advocates and students are invited to submit papers and participate in the seminar.

Important Dates:

- **Abstract Submission: 25th May, 2018**
- **Communication for Acceptance of Abstract: 30th May, 2018**
- **Submission of Full Length Papers: 15th July, 2018**
- **Last Date for Registration: 5th June, 2018**
- **Date of Seminar: 27th and 28th July 2018**

Submissions - Details and Guidelines:

Abstracts of not more than 500 words, for original researched papers on the above mentioned themes are invited. Authors of shortlisted abstracts shall be required to send their full length papers. Authors of accepted papers shall have the privilege of presenting their paper at this seminar. Papers of outstanding quality shall be published. There can be maximum only one Co-author. The full length research papers in case of short articles should be 3500 – 5000 words (inclusive of foot notes), and around 8000 words (inclusive of foot notes) in case of long articles. Potential contributors are required to adhere to a uniform mode of citation (20th edition of The Bluebook: A Uniform System of Citation is recommended). Abstracts and papers should be submitted as Word documents, with a covering letter containing the name and designation of the author(s), and should be emailed to the email addresses listed below.

After peer review, select papers/articles will be published by NLSIU.

Registration Charges:

Seminar Registration: Rs 6000/- per author / per participant. [Non-Residential]

Last Date for Registration for participants and paper presenters: 5th June, 2018

Registration fee covers the following: Admission to all sessions, Conference material, Tea/Coffee and lunch during the designated breaks for the duration of the conference.

Registration fees may be paid by DD drawn in favour of National Law School of India University and sent along with the Registration Form attached herewith or through NEFT transfer, as per the bank details given. Once the NEFT is done, the participant/s must send the BANK TRANSACTION ID to Susheela@nls.ac.in.

Dr. Sairam Bhat
Professor of Law, NLSIU

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Enforcement Trends of Arbitral Awards: A Comparative Perspective**

27th and 28th July, 2018

REGISTRATION FORM

Full Name: Dr./Mr./Ms./ Mrs.:	
Company/ Organization/School/College	
Designation:	
Office Address:	
Email:	
Contact No.:	
a) Mobile:	
b) Work:	
Payment details	DD No. and Date: NEFT Transaction ID and Date:

Please send the bank transaction ID to:

Ms. Susheela

Secretary

Ph: [m] 9448690903

National Law School of India University, Nagarbhavi, Bengaluru 560072

**ELECTRONIC CLEARING SERVICE (CREDIT CLEARING) / REAL TIME GROSS
SETTLEMENT (RTGS) FACILITY FOR RECEIVING PAYMENTS**

DETAILS OF ACCOUNT HOLDER:-

NAME OF ACCOUNT HOLDER	DIRECTOR NLSIU SCHEMES AND PROJECTS
COMPLETE CONTACT ADDRESS	NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, P.B.NO.7201, NAGARBHAVI, BANGALORE - 560 072
TELEPHONE NUMBER/FAX/MAIL	23213160, 23160532, 23160533 / Fax 23160534 / registrar@nls.ac.in
PAN	AAAJN0185F

BANK ACCOUNT DETAILS:-

BANK NAME	CORPORATION BANK
BRANCH NAME WITH COMPLETE ADDRESS, TELEPHONE NUMBER AND EMAIL	NLSIU BRANCH, NLSIU CAMPUS, NAGARBHAVI, BANGALORE - 560 072, Ph: 080-23218130 & 23218115 EMAIL - cb2144@corpbank.co.in
<u>IFSC CODE / NEFT CODE / RTGS CODE / BRANCH CODE</u>	CORP0002144
TYPE OF BANK ACCOUNT (SB/CURRENT/CASH CREDIT)	SAVINGS BANK
COMPLETE BANK ACCOUNT NUMBER (LATEST)	520101045115075
MICR CODE OF BANK	560017060