

National Judicial Academy

P-1205: Workshop for High Court Justices on Arbitration Including International Arbitration
8th – 9th February, 2020

Programme Coordinator : Ms. Nitika Jain, Law Associate

No. of Participants : 24

No. of forms received : 21

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	85.00	15.00	-	18. Good but requires more improvement. 19. Achieved same object.
b. The subject matter of the program is useful and relevant to my work	90.00	10.00	-	19. Because of the amendments in the Act, it was necessary.
c. Overall, I got benefited from attending this program	71.43	28.57	-	19. It will help me in the matter when I will deal it.
d. I will use the new learning, skills, ideas and knowledge in my work	76.19	23.81	-	-
e. Adequate time and opportunity was provided to participants to share experiences	66.67	33.33	-	-
II. KNOWLEDGE				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	63.16	31.58	5.26	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	60.00	40.00	-	-
c. Up to date	80.95	19.05	-	-

d. Related to Constitutional Vision of Justice	42.11	47.37	10.52	-
e. Related to international legal norms	52.63	42.11	5.26	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	71.43	28.57	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	78.95	21.05	-	-
(ii) Interactive sessions were fruitful	73.68	21.05	5.27	-
(iii) Audio Visual Aids were beneficial	35.29	64.71	-	-
IV SESSIONS WISE VETTING				
Parameters				
Session	Discussions in individual sessions were effectively organized		The Session theme was adequately addressed by the Resource Persons	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	80.00	20.00	66.67	33.33
2	63.16	36.84	60.00	40.00
3	73.68	26.32	64.29	35.71
4	70.59	29.41	61.54	38.46
5	64.71	35.29	50.00	50.00
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	83.33	16.67	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	77.78	22.22	-	-

c. The content was organized and easy to follow	82.35	17.65	-	8. Not much.
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VIII. GENERAL SUGGESTIONS	
1. Three most important learning achievements of this Programme	<p>1. Today's on arbitration both domestic & international is wonderful and benefitted.</p> <p>2. 1. Recent amendments about arbitration & conciliation act; 2. Recent trends in arbitration in India; 3. Learning about the concept of third party funding.</p> <p>3. None.</p> <p>4. Participant did not comment.</p> <p>5. Discussion on the latest amendments and law declared by the supreme court.</p> <p>6. Arbitration proceedings challenge to around in court, International arbitration.</p> <p>7. & 8. Participant did not comment.</p> <p>9. 1. None.</p> <p>10. 1. Many clarifications were terrible in the light of conflicting judgements; 2. Could clarify the legal trends in judgement of apex court; 3. Interaction helped a lot.</p> <p>11. Come to know about the jurisdictional challenge- because this is new field for work to me.</p> <p>12. Participant did not comment.</p> <p>13. Participant did not comment.</p> <p>14. 1. The role of courts U/s 11 in view of amendments made in the act of 1996; 2. The aspects regarding jurisdiction of court and the arbitral tribunal; 3. Enforcement of international awards.</p> <p>15. Principles of 1. Neutralist's factors; 2. Institutional development; 3. Confidentiality.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Discussion regarding law in useful. Different angle to see the same; All recent judgements discussed.</p> <p>19. None.</p> <p>20. Participants are apprised of the background which necessitated. 2015 & 2019 amendments in arbitration & conciliation act.</p> <p>21. 1. Enforcement challenge by & against non-parties; 2. Procedure for enforcement of foreign awards; 3. Institutional arbitration.</p>
2. Which part of the Programme did you find most useful and why	<p>1. Session 1: The Scheme of Arbitration & Conciliation Act: Towards Model Dispute Resolution Regime Proposed Scope of Discussion • Post 2019 Amendments • Institutional Arbitration • Confidentiality • Timely conduct of proceedings – elaborate & meaningful.</p> <p>2. Challenges to the tribunal's jurisdiction; Applicability of CPC & evidence act.</p> <p>3. None.</p>

	<p>4. Participant did not comment.</p> <p>5. Discussion on the latest amendments and law declared by the supreme court.</p> <p>6. Session 1: The Scheme of Arbitration & Conciliation Act: Towards Model Dispute Resolution Regime Proposed Scope of Discussion • Post 2019 Amendments • Institutional Arbitration • Confidentiality • Timely conduct of proceedings.</p> <p>7. & 8. Participant did not comment.</p> <p>9. Session 2: Jurisdictional Challenges: Balancing the role of Court and Arbitral Tribunal Proposed Scope of Discussion • Challenges to the tribunal's jurisdiction • Invalid or non-binding arbitration agreement • Excess of authority.</p> <p>10. Generally all were good.</p> <p>11. Enforcement of arbitral award.</p> <p>12. & 13. Participant did not comment.</p> <p>14. Aspects regarding Sec.11 of the Act and jurisdiction of court and tribunal because I am dealing these matter at Rajasthan High Court as judge designation.</p> <p>15. Amendments and development of arbitration laws 2015 & 2019 in particular.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. When speakers are lawyer, professions and judges bail law forums are putting their views to accept.</p> <p>19. The first day session was excellent. I acquire more knowledge will the experience of the chairperson.</p> <p>20. All sessions were useful.</p> <p>21. Procedure by enforcement of foreign awards & never had an opportunity to how deal It.</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. Participant did not comment.</p> <p>2. NA.</p> <p>3. to 5. Participant did not comment.</p> <p>6. Session 3: Recognition & Enforcement of Arbitral Awards: Proposed Scope of Discussion -• Domestic & Foreign Awards • Construction & Interpretation of Public Policy • Limitation period for enforcement of award • Issues & Challenges</p> <p>7. & 8. Participant did not comment.</p> <p>9. Session 4: Bilateral Investment Treaty Arbitration Proposed Scope of Discussion • Analyzing key provision in India's Model of BIT • Principles of Interpretation: Vienna Convention on Law of Treaties • Jurisdiction and Admissibility.</p> <p>10. No such session.</p> <p>11. Bilateral investment treaty arbitration.</p> <p>12. & 13. Participant did not comment.</p> <p>14. Foreign awards and institutional arbitration as they are not brought in courts for adjudication.</p> <p>15. to 17. Participant did not comment.</p> <p>18. Discussion and deliberation made by conferences.</p>

	<p>19. Second day session was not such useful done to the room, it did not gain much knowledge.</p> <p>20. Participant did not comment.</p> <p>21. None.</p>
<p>4. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. Overall good.</p> <p>2. to 4. Participant did not comment.</p> <p>5. Please email the study material to all participants in advance.</p> <p>6. Please organize programme for criminal law, NDPS & other special enactment case, hearing pendency of appeal etc. in high court.</p> <p>7. to 10. Participant did not comment.</p> <p>11. Nil.</p> <p>12. &13. Participant did not comment.</p> <p>14. Overall useful workshop.</p> <p>15. Advance study material on email including topics could be provided to participants.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Programme should be more organized. The speaker should be very good, not just to have a speaker. Selection of speaker and resource persons is soul of these programmes, in which huge finance and precious from of judges are spent.</p> <p>19. Participant did not comment.</p> <p>20. Invitation of high court judges should be made according to their area of interest.</p> <p>21. It is going very good keep it up.</p>