

BA5064 CONTRACTS AND ARBITRATION

DETAILED SYLLABUS

OBJECTIVE

To create awareness on contracts for construction industry, impart knowledge on tender preparation, tendering process, laws on arbitration, arbitration procedure and laws on dispute resolution in India.

UNIT I INTRODUCTION TO CONTRACTS IN CONSTRUCTION INDUSTRY

Brief details of engineering contracts -Definition, types and essentials of contracts and clauses for contracts - Preparation of tender documents and contract documents - Issues related to tendering process- Awarding contract, e-tendering process - Time of performance - Provisions of contract law - Breach of contract - Performance of contracts - Discharge of a contract- Indian contract Act 1872 - Extracts and variations in engineering contracts - Risk management in contracts.

UNIT II LAWS RELATED TO CONSTRUCTION INDUSTRY

Labor and industrial laws - Payment of wages act, contract labor - Workmen's compensation act - Insurance, industrial dispute act- Role of RERA

UNIT III ARBITRATION OF ENGINEERING CONTRACTS

Background of Arbitration in India - Indian Arbitration Act 1937 - UNCITRAL model law -Forms of arbitration - Arbitration agreement - Commencement of arbitral proceedings - Constitution of arbitral tribunal - Institutional procedure of arbitration -Impartiality and independence of arbitrators jurisdiction of arbitral tribunal - Interim measures - Enforcement of awards.

UNIT IV NEGOTIATION, MEDIATION AND CONCILIATION

Concepts and purpose - Statutory back ground ADR and mediation rules - Duty of mediator and disclose facts - Power of court in mediation.

UNIT V ALTERNATE DISPUTE RESOLUTION

Structure of Indian Judicial - The arbitration and reconciliation ordinance 1996 -Dispute resolution mechanism under the Indian judicial system - Litigation in Indian courts - Case studies.

REFERENCES

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2. Case study of Southern Railway Arbitration Cases wiki.ircen.gov.in/doku/lib/exe/fetch.php
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4. Eastern Book Company "Arbitration and Conciliation Act 1996", June 2008
5. International Federation of Consulting Engineers (FIDIC) documents, Geneva, 2009 (<http://www.fidic.org>)
6. Gajaria. G.T., "Laws relating to building and Engineer's Contracts", M.M. Tripathi Pvt Ltd., Mumbai, 1985
7. Horgon.M.O and Roulstion F.R., "Project Control of Engineering Contracts" E and FN, SPON, Norway, 1988
8. Krishna Sharma, Momota Oinam and Angshuman Kaushik, "Development and Practice of Arbitration in India- Has it evolved as an effective legal Institution", CDDRL, Stanford, 103, Oct 2009
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10. Roshan Namavati, "Professional Practice", Anuphai Publications, Lakhani Book Depot, 2013
11. Vasavada.B.J. "Engineering Contracts and Arbitration" , March 1996