

## INDEX OF ISSUE 2

- AAA Rules, 14.147–8. *See also* American Arbitration Association's (AAA)
- 2018 Amendment bill, India
- applicability of 2015 Amendment Act, 14.218–20
  - appointment of arbitrators, 14.216–17
  - exclusion, scope of section 29A, 14.217
  - safeguarding arbitrators, 14.218
  - scope of interim protection, restriction, 14.218
  - section 34, restriction, 14.218
  - statement of claim and defence, 14.217–18
- American Arbitration Association's (AAA), 14.143–4, 14.145
- Arbitration
- cross-border insolvencies
    - ADR tools, 14.132–3
    - cross-jurisdictional insolvency-related issues, 14.131–2
    - 'debtor-derived claims' and 'Bankruptcy Code derived' claims, 14.130–1
    - global approach, 14.132
  - existing arbitration rules
    - ICC rules, 14.155–9
    - SIAC's cross-institutional consolidation protocol, 14.159–60
  - on mandatory laws
    - Austria, 14.173–4
    - ECJ's Ingmar decision, 14.170
    - England, 14.171–2
    - Germany, 14.172–3
    - United States, 14.169–70
- Arbitrators
- 2018 Amendment bill, India, 14.216–17
  - obligation, foreign mandatory laws
    - existing scholarly justifications for application of, 14.174–5
    - inherent limits on party autonomy, 14.175–8
    - safeguard, 2018 Amendment bill, India, 14.216–17
- Business Practices and Consumer Protection Act (BPCPA), 14.154
- Capacity of parties and arbitration agreement
- attorneys and arbitration, 14.205
  - capacity of a natural person, 14.198–9
  - defences against an application, 14.213
  - incapacity, 14.194–8
  - issues, 14.199–201
  - legal persons, 14.205–6
  - New York Convention (NYC), 14.193–4
  - obstacles to, 14.203–4
  - obstructions to, 14.201–2
  - private law legal persons, 14.206–9
  - public law legal persons, 14.209–13
  - trustees and arbitration, 14.204
- Class arbitration in Australia
- existing rules
    - ICC rules, 14.155–9
    - SIAC's cross-institutional consolidation protocol, 14.159–60
  - offering, 14.163
  - permitted under Australian law
    - consumer and labour law disputes, 14.152–5
    - right to be heard, 14.149–52
  - relevant, 14.146–7
  - short history of, 14.143–6
  - suggested means and model
    - opt-in regime, 14.160–1
    - partial award and certifying lead claimant, 14.161–2
    - settlement and discontinuance, 14.162
    - working principle, 14.147–8
- COMI principle, 14.123, 126–8
- Cross-border insolvencies, arbitration
- existing mechanisms limits
  - others, 14.128–9

- regional efforts, 14.126–8
- inevitable consequence, 14.118
- limits, challenges and road ahead, 14.140–1
- patchwork of national laws, 14.118–19
- reasons for favouring arbitration, 14.129–33
- sections, 14.120–1
- specialized dispute resolution centre
  - choice of law rules, 14.137–9
  - consent, 14.134–5
  - disputes by proposed centre, 14.139–40
  - quasi-arbitration and mediation ('Arb-Med' model), 14.135–7
  - vesting of jurisdiction to proposed centre, 14.134
- UNCITRAL
  - choice of forum, international, 14.122–4
  - choice of law, international, 14.124–6
  - Mediation Law, 14.119–20
- European court decisions, 'foreign'
  - mandatory laws
    - Austria, 14.173–4
    - The ECJ's Ingmar decision, 14.170
    - England, 14.171–2
    - Germany, 14.172–3
- Federal Arbitration Act (FAA), 14.145
- Federal Court of Australia (FCA), 14.151
- Foreign mandatory laws, dampening effect
  - arbitrators' obligation
    - existing scholarly justifications for application of, 14.174–5
    - inherent limits on party autonomy, 14.175–8
- lex contractus*, 14.166–7
- lex fori*, 14.165–6
- national court decisions on
  - European court decisions, 14.170–4
  - United States, 14.169–70
- national courts *v.* arbitral tribunals, 14.167–9
- party autonomy, 14.178–9
- ICC Rules, 14.155–9
- India, legislation update
  - 2018 amendment bill, salient features
    - applicability of 2015 Amendment Act, 14.218–20
    - appointment of arbitrators, 14.216–17
    - exclusion, scope of section 29A, 14.217
    - safeguarding arbitrators, 14.218
  - scope of interim protection, restriction, 14.218
  - section 34, restriction, 14.218
  - statement of claim and defence, 14.217–18
  - continuing efforts, 14.222
  - functions of ACI, 14.220–1
  - 'institutionalisation of arbitration mechanism in India,' 14.215–16
  - New Delhi international arbitration centre bill, 2018, 14.221–2
- JAMS Rules, 14.148
- Judicial Arbitration and Mediation Services (JAMS), 14.143–4
- National courts v. arbitral tribunals*, 14.167–9
- 'No claims certificate' in arbitration and analysis, 14.191–2
- closed claims, arbitrability of, 14.182–3
- employer's perspective, 14.183–4
- example, 14.187–8
- free consent absence
  - proceedings before tribunal, 14.186–7
  - without prejudice, 14.184–6
- modalities to survive an NCC, 14.188–91
- settlement conundrum, 14.181–2
- timeline, 14.191
- Opt-in regime, Australia, 14.160–1
- Party autonomy
  - foreign mandatory laws, 14.178–9
  - inherent limits on, 14.175–8
- Proposed centre disputes, cross-border insolvencies
  - disputes between estates, 14.139–40
  - execution of restructuring plans, 14.140
  - restructuring and workout arrangements, 14.139
- Request for Arbitration (Request), 14.147
- SIAC Proposal, 14.155, 159–60
- Transnational insolvency, 2012 report, 14.129
- United Nations Commission on International Law and Trade (UNCITRAL)
  - international
    - choice of forum, 14.122–4
    - choice of law, 14.124–6
    - Mediation Law, 14.119–20
- United States
  - foreign mandatory laws, arbitration, 14.169–70