

Subject : Law Relating to Arbitration and Conciliation in India

Day : Monday

Date : 16/05/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

N.B.:

- 1) Attempt **ANY SIX** questions including **Q.No.1** which is **COMPULSORY**.
- 2) **Q.No.1** carries **20** marks and all other questions carry **12** marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Need for Professional Arbitration
 - b) Qualification of Arbitrator
 - c) Commercial dispute
 - d) Litigation vs. Arbitration
 - e) Grounds for reference
 - f) Interim measures by court
- Q.2** What is International Commercial Arbitration? Differentiate International Commercial Arbitration from Domestic Commercial Arbitration with relevant provisions.
- Q.3** "The purpose of Arbitration Act is to provide quick redressal to Domestic, Commercial and International dispute by private Arbitration". Elaborate the statement with appropriate provisions of the said Act.
- Q.4** Discuss the important feature of UNCITRAL Model Law on Arbitration in the light of appropriate provisions.
- Q.5** What is Conciliation? Explain the powers and duties of Conciliator with the help of relevant provisions of the Act.
- Q.6** "An Arbitrator has no authority or jurisdiction beyond that defined by the terms of the contract". Evaluate the rules relating to jurisdiction of Arbitral Tribunal.
- Q.7** "Arbitral Award is binding on the parties and no second appeal shall lie from an order passed in appeal". Enumerate the appeal provisions in the Arbitration and Conciliation Act, 1996.
- Q.8** "Once the parties sign the settlement agreement, it will be final and binding on the parties". Elaborate the above statement with the help of appropriate case laws.
- Q.9** What is Arbitration Agreement? Discuss the concept of Arbitration Agreement with important features of the Act.
- Q.10** Write a note on:
- a) Award making enforcement
 - b) Lok Adalat

Subject : International Law Relating to Arbitration

Day : Tuesday
Date : 17/05/2016



Time : 02.30 PM TO 05.30 PM
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- 1) Attempt any **SIX** questions including **Q. No. 1** which is **COMPULSORY**.
- 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks each.

- Q.1** Write short notes on any **FOUR** of the following:
- a) Geneva convention
 - b) Application for setting Aside Award
 - c) "Commercial Relationship" in the context of Foreign awards
 - d) Choice of law
 - e) Recourse against award
 - f) Composition of Arbitral Tribunal
- Q.2** Discuss the impact of Geneva Convention Award on the growth of International Arbitration Law.
- Q.3** "The development of the doctrine of International Arbitration considered from the stand point of its ultimate benefit to the human race is the most vital movement in modern time". Discuss.
- Q.4** Explain the concept of foreign Arbitration with reference to recent judgments.
- Q.5** Elucidate the concept of "Conflicts of laws". Draw a comparative chart of International Arbitration and Domestic Arbitration.
- Q.6** "The law applies to International commercial arbitration subject to any agreement in force between this state and any other state or states". Discuss.
- Q.7** "The constitutional law promotes International arbitration but it is a part of directive principles". Discuss the impact of International Arbitration in Indian Laws.
- Q.8** "The Wills of contractual parties are dominant to decide the territory and law of the land for the settlement of dispute". Discuss.
- Q.9** What are the grounds for refusing recognition or enforcement of Arbitration award under International Law?
- Q.10** "The Indian law of Arbitration 1996 has significant feature of restricting the role of the court and even more limited than that envisaged under the model law". Explain.

Subject : Alternative Dispute Resolution System

Day : Wednesday
Date : 18/05/2016



Time : 02.30 PM TO 05.30 PM
Max Marks : 80 Total Pages : 1

N.B:

- 1) Attempt **ANY SIX** questions out of which **Q. No 1** is **COMPULSORY**.
- 2) **Q.No.1** carry 20 marks and all other questions carry **12** marks each.

- Q.1** Write short notes on any **FOUR** of the following:
- a) Fast Track Arbitration
 - b) Labour Court
 - c) Award
 - d) Lok- Nyayalaya
 - e) Minitrial
 - f) Mediation
- Q.2** What is Administrative Tribunal? Enumerate the reasons and need for establishment of Administrative Tribunal in India with the help of functions of Administrative Tribunal.
- Q.3** "Lok Adalat can follow a producer of its own and is guided by the principles of justice, equity and fair play and other legal principles in disposing of matters before it." Evaluate the statement with the help of recent case laws.
- Q.4** Explain the various modes of Alternative Dispute Resolution System in India, with reference to the limitation of their systems.
- Q.5** "Legal Literacy helps in solving the problems and hurdles in the Alternative settlement of dispute". Elaborate the statement in the light of relevant case laws
- Q.6** "The parties to a dispute can, on their own motion. Start a process of negotiation through correspondence or through one or two mediators with a view to finding a mutually acceptable solution of the problem." Explain the above statement with the help of appropriate provision.
- Q.7** Critically evaluate the role of family court as important modes of Alternative Dispute Resolution system in India.
- Q.8** "The main purpose of enactment of Industrial Dispute Act, 1947 is to investigation and settlement of Industrial Dispute" Explain the Alternative Dispute Resolution System under this Act.
- Q.9** "Ombudsman is watchdog which barks but cannot bite". Explain the statement with the help of relevant case laws.
- Q.10** "National Commission under Consumer Protection Act is the highest redress agency is the country". Critically examine the jurisdiction of National Commission under Consumer Protection Act, in India.

Subject : Comparative Study of Arbitration Laws

Day : Thursday
Date : 19/05/2016



Time : 02.30 PM TO 05.30 PM
Max Marks : 80 Total Pages : 1

N. B. :

- 1) Attempt **ANY SIX** questions out of which **Q. No. 1** is **COMPULSORY**.
- 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks.

- Q. 1** Write short note on **ANY FOUR** of the following:
- a) Historical development of ADR in USA
 - b) Private use of ADR procedure in New-zealand
 - c) Utility of comparative study
 - d) Law firms response in USA
 - e) Corporate use of ADR
 - f) Foreign awards in India
- Q. 2** Critically examine the development of International arbitration in UK.
- Q. 3** Discuss the procedure for enforcement of foreign award in India under the arbitration laws.
- Q. 4** Examine the concept of development of the federal and state courts under the ADR system in USA.
- Q. 5** Write a note on arbitration and mediation institute of New-zealand.
- Q. 6** Compare the ADR system in USA with that of UK.
- Q. 7** 'Comparative study of arbitration law will help India in improving the arbitration law in India'. Discuss.
- Q. 8** Write short notes on the following:
- a) International mediation
 - b) Court intervention in UK
- Q. 9** "The appointment of arbitrators is crucial for functioning of any ADR system"
Comment.
- Q. 10** Critically examine the arbitration system in USA and New-zealand.