

BACHELOR OF LAWS - LL.B. (THREE YEAR DEGREE COURSE) (CBCS-2021 COURSE)

LL.B. Sem - V : SUMMER : 2024

SUBJECT: MEDIATION & CONCILIATION & ARBITRATION

Day : Saturday
Date : 11/05/2024

S-25023-2024

Time : 10:00 AM-12:30 PM
Max. Marks : 60

N.B:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 A) What is Alternative Dispute Resolution? Enlist the different Alternative Dispute Resolution mechanisms.

OR

B) 'The UNCITRAL Model Law on International Commercial Arbitration constitutes a sound basis for desired harmonization and improvement of national laws covering all stages of the arbitral processes'. Discuss.

Q.2 A) Discuss the role of a Mediator in Mediation and also elaborate on the mediation process.

OR

B) What is Conciliation? Discuss the conciliation process under the Arbitration and Conciliation Act, 1996.

Q.3 A) Define Arbitration Agreement and discuss the important ingredients of a valid Arbitration Agreement with the help of relevant cases.

OR

B) Discuss the process of challenging an Arbitration Award and state the grounds available for the same.

Q.4 A) Write short notes on the following:-

- i) Advantages of ADR
- ii) Difference between Arbitration and Mediation

OR

Q.4 B) Write short notes on the following:-

- i) Types of Arbitration
- ii) International Commercial Arbitration

Q.5 A) ABC Pvt. Ltd. was restructured and was demerged into XYZ Pvt. Ltd. and STR Pvt. Ltd. ABC Pvt. Ltd. was the registered proprietor of trademark 'ABC'. According to the terms of the Restructure Agreement, XYZ Pvt. Ltd. had the exclusive right to use the trade mark 'ABC'. However, STR Pvt. Ltd. started using the trade mark 'ABC' and breached the Agreement. Further, according to the Restructure Agreement if any dispute arose between the parties in respect to the trade mark usage the same was to be settled through Mediation. Now XYZ Pvt. Ltd. has approached you, advise them about Mediation.

OR

B) ABC Pvt. Ltd. and XYZ Pvt. Ltd. entered into a commercial agreement. There was a clause of referring any dispute that arose between the parties to arbitration. The agreement stipulated that the arbitration would be conducted by a sole arbitrator. When a dispute arose between the parties, ABC Pvt. Ltd. sent a notice to XYZ Pvt. Ltd. stating that it wanted to invoke the arbitration clause in the agreement for the resolution of the dispute, and also directed XYZ Pvt. Ltd. to provide names of three persons whom XYZ Pvt. Ltd. was desirous of appointing as an arbitrator. Even after the expiry of 45 days from the receipt of the notice XYZ Pvt. Ltd. did not act on the notice. Discuss the remedy available to ABC Pvt. Ltd. under the Arbitration and Conciliation Act, 1996.

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