

MURUD - I : APRIL/MAY-2007
SUBJECT : INTERNATIONAL LAW RELATING TO ARBITRATION

Day : Friday
Date : 11-05-2007

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

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.
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Q.1 Write short notes on any **FOUR** of the following:

- a) Domestic arbitration agreement
- b) Difference between sec. 45 of the 1996 Act and Sec. 3 of 1961 Act
- c) Notice of arbitration
- d) Challenge of arbitrators
- e) Conflict of laws
- f) Making of award

Q.2 Define the concept of 'International Arbitration' and explain its nature, scope and utility in India with suitable case laws.

Q.3 Explain and distinguish the concept of 'Domestic awards' and 'Foreign award'.

Q.4 The Arbitration and Conciliation Act of 1996 has brought mountainous changes in the law of arbitration in India which appears to be an improvement on the UNCITRAL model law. Discuss.

Q.5 "The wills of the contractual parties are dominant to decide the territory and law of the land for the settlement of the dispute". Discuss.

Q.6 "There is no provision for appeal against award. Still there are certain grounds on which the recognition or enforcement of an arbitration award may refused under UNCITRAL model law on International Commercial Arbitration.

Q.7 Discuss the impact of New York Convention award on the growth of arbitration law.

Q.8 Describe the formation and regulation of Lok Adalats under UNCITRAL arbitration rules.

Q.9 Discuss in detail the conduct of arbitral proceedings and its importance under Arbitration.

Q.10 Does the Indian Constitution supports the concept of International arbitration for settlement of dispute? Discuss and support your answer with landmark judgements.

MURUD: APRIL/MAY-2007
SUBJECT: LAW RELATING TO ARBITRATION AND CONCILIATION IN INDIA

Day: Wednesday
Date: 09/05/2007

Time: 2.30 P.M. TO 5.30 P.M.
Max. Marks: 80

N.B.:

- 1) Attempt any **SIX** questions, including Q.No.1, which is **COMPULSORY**.
 - 2) Q.No.1 carries 20 Marks & 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 conciliators.
- c) UNCITRAL model law.
- d) Important features of arbitration.
- e) Conduct of Arbitral proceedings.
- f) Role of Conciliator.

Q.2 'Arbitration means the settlement of disputes by the decision of one or more persons.' Evaluate the meaning & concept of arbitration.

Q.3 Critically examine the law relating to Arbitration in India.

Q.4 Discuss the nature & scope the Arbitration Act, 1940.

Q.5 What is conciliation? Examine the procedure of conciliation.

Q.6 'An arbitration agreement shall be in writing.' Evaluate the essential elements of arbitration agreement.

Q.7 Examine the provisions relating to composition of Arbitral Tribunal.

Q.8 'An arbitral award shall be made in writing and shall be signed by the members of the Arbitral Tribunal.' Discuss the form & contents of Award.

Q.9 Evaluate the provisions relating to appeal & revision under the Arbitration Act, 1996.

Q.10 'Once the parties sign the settlement agreement, it will be final and binding on the parties.' Comment with appropriate case laws.

MURUD: APRIL / MAY - 2007
SUBJECT: ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day : Monday
Date : 14/05/2007

Time : 2.30 p.m. to 5.30 p.m.
Max. Marks : 80

N.B. :

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

Q.1 Write short notes on any **FOUR** of the following:

- a) Mediation
- b) Lok Nyalaya
- c) Award of Lok Adalat
- d) Mini Lok Adalats
- e) Conciliation
- f) Village Courts

Q.2 What is ADR? Discuss the importance of ADR in India.

Q.3 'The parties to a dispute can, on their own motion, start a process of negotiations through correspondence or through one or two mediators with a view to finding a mutually acceptable solution of the problem'. Comment.

Q.4 Evaluate the role of Family Courts as Important model of ADR system in India.

Q.5 'Lok Adalat as an alternative dispute resolution forum not only minimises expenses on litigation but it saves valuable time of the parties and their witnesses and facilitates settlement to the satisfaction of the parties'. Discuss the powers of the Lok Adalat.

Q.6 Examine the causes for hurdles in ADR with appropriate illustration.

Q.7 Discuss the functions and powers of District Forum and the State Commission under Consumer Protection Act with the help of landmark judgments.

Q.8 What is an administrative tribunal? Explain the need for establishment of administrative tribunal.

Q.9 'Ombudsman is a watch dog, which barks but cannot bite'. Comment with appropriate case laws.

Q.10 Write a detail note on legal Aid Camps in India.

MURUD - I : APRIL/MAY - 2007
SUBJECT : COMPARATIVE STUDY OF ARBITRATION LAWS

Day : Wednesday
Date : 16-05-2007

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

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) Law forms response in America
 - b) Appointment of Arbitrator in New Zealand
 - c) Historical background of ADR in America
 - d) Community base dispute resolution
 - e) Procedure of dispute resolution in U.K.
 - f) ADR techniques
- Q.2** Discuss the object, nature and scope of comparative study of arbitration law and explain how it helps in understanding and improving existing law of arbitration in India.
- Q.3** "The multi door approach in U.S.A. poses immense challenges and opportunities for lawyers and law firms". Comment.
- Q.4** Critically evaluate the international arbitration law in U.K.
- Q.5** Draw a comparative chart of international arbitration position in India and New Zealand.
- Q.6** "Court can interfere in the ADR matter under specific condition". Comment on the above statement in the light of the provisions given under Arbitration Act followed in U.K and India.
- Q.7** There are many advantages of arbitration against litigation, then also its growth is very slow in India. Explain and suggest the remedy as per your understanding of Arbitration Law.
- Q.8** "ADR is totally based on the appointment of the Arbitrator". Discuss.
- Q.9** Many corporate sectors have developed and implemented ADR programmes to handle complaints and disputes involving customers, employees and others. Comment.
- Q.10** Write short notes on :
- a) Foreign award
 - b) Federal agency use of ADR

MURUD - I : APRIL/MAY 2006
SUBJECT : ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day : Saturday
Date : 13/05/2006

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

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.
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Q.1 Write short notes on any **FOUR** of the following:

- a) Fast track arbitration
- b) Lok Nayalaya
- c) Conciliator
- d) Mediator
- e) Legal aid
- f) Mini trial

Q.2 Explain Arbitration, arbitration agreement and arbitral tribunal .

Q.3 Describe the importance of the ADR in the light of advantage and disadvantages of formal adjudication by judiciary of disputes according to law.

Q.4 What are the modern concepts that have been incorporated in the Arbitration and Conciliation Act, 1996?

Q.5 Discuss power, functions and salient features of the administrative tribunals.

Q.6 Critically evaluate the power, function of the family courts established under Family Court Act, 1984.

Q.7 "Foundation of the Consumer Protection Act, 1986 is to safeguard the rights of the innocent consumer". Comment.

Q.8 'Ombudsman is a paper tiger which roar but cannot bite". Critically evaluate the power of the ombudsman in the light of above statement.

Q.9 "ADR is the need of the todays society but which cannot be flourished properly due to the hurdles in its development". Discuss.

Q.10 Write short notes on:

- a) Limitation and necessity
- b) Impact of ADR

Day : Tuesday
Date : 09/05/06

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

N.B.

- 1) Attempt any **SIX** questions, including Q.No.1 is **COMPULSORY**.
 - 2) Question No. 1 carries 20 marks and others carry 12 marks each.
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Q.1 Write short notes on any **FOUR** of the following:

- a) Lok Adalat
- b) Statutory Arbitration
- c) Enforcement measure
- d) Grounds for reference
- e) Appointment of Arbitrator
- f) Termination of proceeding

Q.2 Explain historical background and commencements of the Arbitration and Conciliation Act, 1996.

Q.3 What is Arbitration Agreement? Define the concept of Arbitration Agreement with its important features.

Q.4 Elucidate the composition and function of the Arbitral Tribunal.

Q.5 The Arbitration and Conciliation Act is base on the UNCITRAL Model Law? Comment.

Q.6 Discuss the provision of setting aside arbitral award.

Q.7 Define Conciliation. Examine the role and power of the conciliator under the Arbitration and Conciliation Act, 1996.

Q.8 Discuss power, duties and liabilities of an arbitrator.

Q.9 Write note on:

- a) Geneva Convention
- b) New York Convention

Q.10 Discuss the application and scope of conciliation proceeding.

Day : Monday
Date : 15/05/2006

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

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.
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Q.1 Write short notes on any **FOUR** of the following:

- a) Federal Agency use of ADR
- b) Appointment of arbitrator in U.K.
- c) Mediators institutes in New Zealand
- d) Community based dispute resolution
- e) Corporate use of ADR
- f) Techniques in ADR

Q.2 "ADR movement required social, legal education and political order for the development". Discuss.

Q.3 "UNCITRAL model law is the basis of arbitration laws in many countries". Comment.

Q.4 Explain the circumstances under which the courts can intervene in an ADR matter in India and U.S.

Q.5 "Under Art. 51(d) Indian constitution encourages settlement of international dispute by arbitration". Elucidate.

Q.6 Draw a comparative chart of international arbitration position in India and U.K.

Q.7 Critically evaluate the growth of law relating to arbitration in India and discuss its utility.

Q.8 The New Zealand system of ADR has been based upon common law model. Comment and explain its provision.

Q.9 'Arbitration is more advantageous than the litigation still it face the problems'. Discuss.

Q.10 Comparative study of Arbitration law helps in the understanding development and application of the law. Explain the utility of Comparative Study in India scenario.

Day : Thursday
Date : 11/05/2006

Time : 2:30 p.m. to 5:30 p.m.
Max. Mark : 80

N.B.

- 1) Attempt any **SIX** questions in all 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 note on any **FOUR** of the following:

- a) Meaning of international arbitration
- b) Domestic awards
- c) Application for setting aside
- d) Making of award
- e) Grounds for refusing enforcement
- f) Composition of arbitral tribunal

Q.2 'Recognition of arbitration as a mode of resolution of disputes is ingrained in the justice Delivery System of India and forms a part of the psyche of the Indian people. This cultural heritage has enable ready acceptance and evolution of arbitration as an Alternative Dispute Resolution (ADR) mechanism in recent years. The complete overhauling of this mechanism by a comprehensive new legislation in 1996 is the latest evidence of this historical fact.' Comment and discuss .

Q.3 The Indian Law of arbitration 1996 has significant feature of restricting the role of court even more limited than that envisaged under the model law. Explain.

Q.4 Informality of the arbitral process permits relaxation from strict rules of evidence and it reduces costs and delay which are often unavoidable in litigation. However, observance of basic principles of natural justice cannot be dispensed with. Comment.

Q.5 The term conflict of laws does not apply to commercial transactions, it applies only to personal laws or other laws which are not commercial. Discuss.

Q.6 The foreign award is as much as final binding on the parties to it as the domestic award. Explain.

Q.7 Enumerate the circumstances under which the jurisdiction of arbitral tribunal can be changed.

Q.8 Critically evaluate the importance of arbitration agreement and explain how it affects in making of award.

Q.9 Write an essay on New York Convention Award.

Q.10 The constitutional law promotes international arbitration , but it is a part of directive principles. Comment.

MURUD - I (D.A.D.R.): Oct/Nov-2006
SUBJECT: COMPARATIVE STUDY OF ARBITRATION LAWS

Day: *Saturday*
Date: *11-11-2006*

Time: 2.30 P.M. TO 5.30 P.M.
Max. Marks - 80

N.B.

- 1) Attempt any **SIX** questions including question No. 1, which is **compulsory**.
- 2) Question No. 1 carries **20 marks** and all other questions carry **12 marks** each.

- Q.1** Write short notes of **ANY FOUR** of the following:
- a) Corporate use of ADR
 - b) International Commercial Arbitration
 - c) Intervention by courts
 - d) Procedure of ADR in New Zealand
 - e) Intervention by courts in U.K.
 - f) Arbitration in India
- Q.2** 'The courts in America take prerogative in solving disputes outside Courts'. Comment on the basis of ADR system in America.
- Q.3** Explain the concept of development of ADR with reference to International Arbitration in U.K.
- Q.4** Elucidate the concept of foreign awards under the International Arbitration in U.K.
- Q.5** What does the present Indian Arbitration Law provide for enforcement of Foreign Award in India
- Q.6** Explain the procedure for the appointment of Arbitrators with reference to International Arbitration in U.K.
- Q.7** The Arbitrators and mediators of New Zealand have credentials for solving dispute through Arbitration. Comment
- Q.8** How far is the federal agency of America active resolving community based dispute? Discuss.
- Q.9** The present scenario is such that instead of resolving dispute through courts companies prefer Arbitration. Elucidate.
- Q.10** Critically analyse the arbitration system in U.K., U.S. and New Zealand.

Day : Wednesday
Date : 08-11-2006

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

N.B.

- 1) Attempt any **SIX** questions, including Q.No.1 is **COMPULSORY**.
- 2) Question No. 1 carries 20 marks and others carry 12 marks each.

Q.1 Write short notes on any **FOUR** of the following:

- a) Umpire
- b) Waiver of right to object under UNCITRAL
- c) Termination of proceeding
- d) Appeal against award
- e) Panchayat
- f) Statutory Arbitration

Q.2 Enumerate the historical development in the Arbitration. Distinguish between Arbitration Act, 1940 and the Arbitration and Conciliation Act, 1996.

Q.3 What is foreign award? Elaborate your answer with the help of Geneva Protocol and New York Convention.

Q.4 Alternative dispute resolution is not an alternative to the court system but only meant to supplement the same aiming on the less lawyering". Comment.

Q.5 Explain the procedure for appointment of conciliator and examine power and function of the conciliator.

Q.6 What is award? Explain the form and content of award.

Q.7 Discuss the nature and salient features of the Arbitration Act, 1940.

Q.8 Write in brief the composition, jurisdiction and function of the Arbitration Tribunal.

Q.9 Examine the features of Arbitration and Conciliation Act, 1996.

Q.10 "Justice delayed is justice denied" comment with special reference to models of Alternative Dispute Resolution Systems.

MURUD - I: Oct/Nov-2006
SUBJECT : INTERNATIONAL LAW RELATING TO ARBITRATION

Day : **Thursday**
Date : **09-11-2006**

Time : 2:30 p.m. to 5:30 p.m.
Max. Marks : 80

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) Salient features of the New York Convention
- b) Choice of law
- c) Conciliation and mediation
- d) Form and contents of arbitral award
- e) Geneva Convention
- f) Domestic award

Q.2 'International Arbitration has its unique features'. Discuss with its nature scope and applicability.

Q.3 'International Commercial Arbitration Agreement' means an arbitration relating to disputes arising out of legal relationship whether contractual or not'. Comment

Q.4 'Any arbitral award which is not a domestic award is considered as a foreign award in India'. Comment, with utility of the Foreign award in India.

Q.5 What are the conditions for enforcement of foreign award given under the Act of 1996? On what grounds the enforcement of foreign award can be refused?

Q.6 'An appeal is the right of entering a superior court and invoking its aid and interposition to redress an error of the court below'. Comment.

Q.7 Discuss in detail about the composition, jurisdiction of the Arbitral Tribunal and conduct of the proceeding.

Q.8 Write notes on:

- a) Conflict of laws
- b) Making of award

Q.9 Does the Indian Constitution supports the concept of International arbitration for settlement of dispute. Discuss and support your answer with landmark judgements.

Q.10 Justify the need of international law on arbitration.

MURUD-I : Oct/NOV-2006
SUBJECT : ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day : Friday
Date : 10-11-2006

Time : 2.30 P.M. TO 5.30 P.M.
Max. Marks : 80.

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) Purpose of Lok Adalat
- b) Legal literacy
- c) Mini trials
- d) Objects of ADRS
- e) Family courts
- f) Domestic tribunals

Q. 2 What is the meaning of ADRS? Compare litigation with arbitration.

Q. 3 Discuss the hurdles in implementation of the ADRS in India.

Q. 4 State the legislative history of Lokpal in India.

Q. 5 'In India several states have passed the laws for creating the institution of Ombudsman called Lok Ayukta'. Critically evaluate the Lok Ayukta in Andhra Pradesh.

Q. 6 What are Tribunals? Discuss the functions of Administrative Tribunals.

Q. 7 'The main object of creation of the Lok Adalats is to provide speedy justice to the poor and needy at less expenses'. Evaluate the organization of Lok Adalat.

Q. 8 'The National Commission hears appeals and exercises supervisory jurisdiction over all the State Commissions in the country'. Comment.

Q. 9 Analyze the provisions of District Forum and State Commission as one of the Consumer Disputes Redressal Agencies.

Q.10 Write notes on:

- a) Negotiation
- b) Legal aid camps

Day: Monday
Date: 09/05/05

Time: 2.30 P.M. TO 5.30 P.M.
Max.Marks – 80

N.B.

- 1) Attempt any **SIX** Questions including Question No. 1 is **COMPULSORY**.
 - 2) Question No. 1 Carries **20 marks** and others carry **12 marks** each.
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- Q.1** Write short note on **ANY FOUR** of the following:
- a) Important Features of Arbitration
 - b) Arbitration agreement
 - c) Appointment of Conciliator
 - d) Enforcement measures
 - e) Arbitration Tribunal
 - f) Grounds for Referring Enforcement
- Q.2** Explain the historical background and Development of Arbitration in India.
- Q.3** The Present Act of 1996 is based on the UNCITRAL Model law? Comment.
- Q.4** Examine the Role and Power of Conciliator under the Act of 1996.
- Q.5** Explain the following with reference to Act 1996
- a) Award Making Enforcement
 - b) Appeal and Revision
- Q.6** “Justice delayed is Justice denied”. Comment with reference to Arbitration law in India.
- Q.7** Discuss the Nature and Scope of Arbitration Law in India.
- Q.8** Discuss the features of Arbitration Act of 1940.
- Q.9** Explain the Composition and Jurisdiction of Arbitral Tribunal under the provisions of act 1996.
- Q.10** Discuss the Application and Scope of Conciliation Proceedings.

MURUD-I : APRIL/MAY 2005
SUBJECT: INTERNATIONAL LAW RELATING TO ARBITRATION

Day: Wednesday
Date: 11/05/2005

Time: 2:30 p.m. to 5:30 p.m.
Maximum Marks: 80

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- N.B.:** 1) Attempt **ANY SIX** questions including Q. No .1 which is **COMPULSORY**.
2) Question No. 1 carries **20** and all other questions carries **12** marks.
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- Q.1** Write short notes on **ANY FOUR** of the following.
- a) Conflict of laws
 - b) Domestic Award
 - c) Making of Award
 - d) Arbitration Agreement
 - e) Composition of the Arbitral Tribunal
 - f) Application for setting Aside Award
- Q.2** Explain the Concept of 'International Arbitration' & examine the impact of International Arbitration in Indian laws.
- Q.3** "The Arbitration which takes place in a country other than India between nationals both of whom are foreigners or one of whom is an Indian" Evaluate this statement explaining the law relating to foreign arbitration and foreign award.
- Q.4** Explain the composition & jurisdiction of Arbitral tribunal Under the UNCITRAL Model Law on International Commercial Arbitration
- Q.5** Explain the ground on which the recognition or enforcement of an arbitration award may be refused under UNCITRAL Model Law on International Commercial Arbitration.
- Q.6** Discuss the regulations on Lok Adalats under UNCITRAL Arbitration Rules.
- Q.7** Discuss in detail the conduct of arbitral proceedings and its importance under arbitration.
- Q.8** Explain the general provisions of UNCITRAL Model Law on International Commercial Arbitration.
- Q.9** Write a note on
- a) Geneva Convention Award
 - b) New York Convention Award
- Q.10** Define Award and explain its form and content.

MURUD I : APRIL/MAY 2005
SUBJECT : PAPER III – ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

Day : Friday
Date : 13/05/2005

Time : 2.30 p.m. to 5.30 p.m.
Max. Marks : 80

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 remaining questions carry 12 marks each.

- Q.1** Write short notes on ANY FOUR :
- a) Mini-Trial
 - b) District Forum
 - c) Public awareness
 - d) Lok Nyayalaya
 - e) Award
 - f) Public Awareness
- Q.2** Explain the concept of A.D.R. and state its importance in present era.
- Q.3** Litigation and Arbitration, are both methods of resolving disputes, one in a Court of law while the other through a private tribunal. Comment.
- Q.4** Explain the various models of Alternative Dispute Resolutions and its limitations.
- Q.5** Explain the composition and functioning of Lok Adalat in India.
- Q.6** Explain the concept of Legal Aid and discuss how it helps in solving the problems and hurdles in the Alternative Settlement of disputes.
- Q.7** Critically evaluate the role of Family court in settling the matrimonial disputes and ensuring a harmonious atmosphere at family.
- Q.8** Consumer Protection Act aims at Protection of Consumer from deficiency in goods and services. Discuss with the help of leading cases.
- Q.9** The main purpose of the passing of the Industrial Disputes Act is investigation and settlement of Industrial Disputes. Discuss.
- Q.10** Write note on :
- a) State Commission
 - b) National Tribunal

MURUD - I : APRIL/MAY 2005
SUBJECT : COMPARATIVE STUDY OF ARBITRATION LAWS

Day : *Monday*
Date : *16-5-2005*

Time : 2:30 p.m. to 5:30 p.m.
Max. Mark : 80

N.B.

- 1) Attempt any **SIX** questions in all 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 note on any **FOUR** of the following:

- a) Object of comparative study
- b) Community base dispute resolution
- c) Foreign awards
- d) Federal court
- e) Law forms response in America
- f) Appointment of arbitrators in U.K.

Q.2 Discuss the nature and scope of comparative study of arbitration law and explain how it helps in understanding and improving existing law in India.

Q.3 Many United States Companies have developed and implemented ADR programmes to handle complaints and disputes involving customers, employees and others. Comment.

Q.4 Critically evaluate the international arbitration law in United Kingdom.

Q.5 The General Assembly of United Nations recommended in 1985 to all the states to give consideration to the model law on International Arbitration, in view of the desirability of uniform law of arbitral procedure and practice. Comment

Q.6 The law of arbitration in India relating to domestic arbitration was governed by the Indian Arbitration Act, 1940 and International Arbitration was governed by Foreign Awards Act, 1961 till the commencement of Act of 1996. The current law of arbitration covers the entire field of domestic and international arbitration. Discuss.

Q.7 Draw a comparative chart of international arbitration position in India and U. K.

Q.8 The New Zealand system of ADR has been based upon common law model. Comment and explain its provisions.

Q.9 The appointment of arbitrators is crucial for functioning of any ADR system. Comment.

Q.10 Explain the circumstances under which the courts can intervene in an ADR matter in U.K and India.

MURUD-1: OCT/NOV-2005
SUBJECT : LAW RELATING TO ARBITRATION AND CONCILIATION IN INDIA

Day : Saturday
Date : 01.10.2005

Time : 2.30 P.M. TO 5.30 P.M.
Max. Marks : 80.

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.

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- Q. 1 Write short notes on any **FOUR** of the following:
- a) International commercial arbitration under Arbitration & Conciliation Act, 1996
 - b) Salient features of Arbitration & Conciliation Act, 1996
 - c) Powers of conciliator
 - d) Qualification of arbitrator
 - e) Limitations under the Arbitration & Conciliation Act, 1996
 - f) Insolvency of a party to an arbitration agreement
- Q. 2 What is Arbitration? Explain and discuss the nature, scope and objects of Arbitration & Conciliation Act, 1996.
- Q. 3 Critically evaluate the historical background and development of law relating to Arbitration & Conciliation in India.
- Q. 4 Write notes on:
- a) Essentials of award
 - b) Time limit for making the award
- Q. 5 Who can modify an award? Explain and evaluate the grounds for setting aside an award.
- Q. 6 Analyze the process of appeal and revision under the provisions of Arbitration Act, 1996.
- Q. 7 'The Arbitrator must be a person, who is impartial and having good faith in the parties to the dispute'. Comment.
- Q. 8 What are the features of UNCITRAL Model Law on arbitration? Explain.
- Q. 9 What is conciliation? Discuss briefly the role of conciliator.
- Q.10 Distinguish arbitration from conciliation, pointing out the merits and demerits.

MURUD-I : Oct/NOV-2005
SUBJECT: INTERNATIONAL LAW RELATING TO ARBITRATION

Day: Monday
Date: 03.10.2005

Time: 2:30 p.m. to 5:30 p.m.
Maximum Marks: 80

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- N.B.:** 1) Attempt **ANY SIX** questions including Q. No. 1 which is **COMPULSORY**.
2) Question No. 1 carries **20** and all other questions carries **12** marks.
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- Q.1** Write short notes on **ANY FOUR** of the following.
- a) Geneva Convention Award
 - b) Need for International Arbitration
 - c) Recourse Against Award
 - d) Arbitral Proceedings
 - e) The Award under **UNCITRAL** Arbitration Rules
 - f) Functioning of Lokadalat under **UNCITRAL** Arbitration Rule.
- Q.2** “The concept that an arbitration is governed by the law of the place where it is held & that this is the seat or forum or locus arbitri of arbitration, is well established both in theory and practice of international arbitration”. Comment.
- Q.3** The Foreign Award is as much final and binding on the parties to it is as the Domestic Award. Explain the statement with reference to recent case laws.
- Q.4** Discuss **UNCITRAL** Model Law on International Commercial Arbitration.
- Q.5** Explain the enforcement measures & grounds for refusing enforcement under **UNCITRAL** Model Law an International Commercial Arbitration.
- Q.6** “Where the parties to a contract have agreed in writing that disputes in relation to that Contract shall be referred to arbitration under the **UNCITRAL** Rules then such dispute shall be settled in accordance with the **UNICITRAL** rules”. Discuss.
- Q.7** Explain the Composition of the Arbitral Tribunal.
- Q.8** Critically examine the impact of International Arbitration in Indian Laws.
- Q.9** Explain the concept of Foreign Arbitration with reference to Recent Case Laws.
- Q.10** Elaborate the salient features of New York Convention Award.

Day : Tuesday
Date : 04.10.2005

Time : 2.30 p.m. to 5.30 p.m.
Max. Marks : 80

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- 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 remaining questions carry 12 marks each.
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- Q.1** Write short notes on ANY FOUR :
- Importance of A.D.R.
 - Med-Arb
 - Lok Nyayalaya
 - Industrial Tribunals
 - Labour Courts
 - Public Awareness
- Q.2** 'Conflict of Interest is a part of life'. In civil law they are resolved and settled through negotiations or through conciliation or through Arbitration and finally through court. Comment.
- Q.3** Explain the concept of A.D.R.s and how it is aiding the Judicial System to impart justice.
- Q.4** Explain the various models of Alternative Dispute Resolutions and its utility .
- Q.5** Explain the composition and functioning of Administrative Tribunals as a model of A.D.R. system in India.
- Q.6** Lok Adalat can follow a procedure 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. Discuss the statement with recent case laws.
- Q.7** Explain the constitution and powers of National Commission under Consumer Dispute Redressal Agencies.
- Q.8** Evaluate the proceedings of Family Court in India.
- Q.9** Explain the concept of legal literacy and discuss how it helps in solving the problems and hurdles in the Alternative Settlement of dispute.
- Q.10** Discuss the composition and structure and function of Consumer Council.

MURUD - I (D.A.D.R) : Oct/Nov-2005
SUBJECT: COMPARATIVE STUDY OF ARBITRATION LAWS

Day: *Wednesday*
Date: *05.10.2005*

Time: 2.30 P.M. TO 5.30 P.M.
Max. Marks - 80

N.B.

- 1) Attempt any **SIX** questions including question No. 1, which is **compulsory**.
 - 2) Question No. 1 carries **20 marks** and all other questions carry **12 marks** each.
-

- Q.1** Write short notes of **ANY FOUR** of the following:
- a) Historical background of American ADR
 - b) Position of ADR in India
 - c) Community based dispute resolution system
 - d) Alternative dispute resolution Act 1990
 - e) Private use of ADR procedure in New Zealand
 - f) Foreign awards in U.K.
- Q.2** 'Arbitrators are Judges chosen by the parties to decide the matter submitted to them finally and without appeal'. Comment on the American experience of ADR with special reference to the corporate use of ADR.
- Q.3** Explain in brief the concept of development of the Federal and the State Courts under the ADR system in U.S.
- Q.4** What is International mediation? Explain in brief the types in International mediation.
- Q.5** Critically evaluate the development of International Arbitration in U.K.
- Q.6** Explain in detail how the courts under the International Arbitration in U.K make the intervention.
- Q.7** 'Alternative Dispute Resolution (ADR) is well - established in New Zealand'. Discuss in detail general specific legislation relating to ADR.
- Q.8** Write a note on the Arbitrator's and Mediator's Institute of New Zealand.
- Q.9** Discuss in brief the statutory systems of ADR in New Zealand.
- Q.10** Make a comparative analysis of the Arbitration system in U.S., U.K. and New Zealand.

MURUD – I : APRIL/MAY 2004
SUBJECT : COMPARATIVE STUDY OF ARBITRATION LAWS

Day : Saturday Time : 2:30 p.m. to 5:30 p.m.
Date : 15/05/2004 Max. Mark : 80

N.B.

- 1) Attempt any **SIX** questions in all 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 note on any **FOUR** of the following:
- a) Enforcement of award in New Zealand
 - b) Historical background of ADR in America
 - c) Corporate use of ADR
 - d) Mediators
 - e) Utility of comparative study
 - f) Dispute resolution through judicial system and its demerits
- Q.2** Explain the concept of comparative study and discuss its nature and scope with regard to study of arbitration laws.
- Q.3** The concept that an arbitration is governed by the law of the place where it is held is well established both in theory and practice. Comment.
- Q.4** Indian law in regard to international commercial arbitration has followed UNCITRAL model. Comment.
- Q.5** Draw a comparative chart of ADR system in America and U.K.
- Q.6** With the ADR movement came not only an increased use of arbitration but also the development and application of the ADR techniques such as mediation, conciliation, facilitation, mini-trials, summary jury trials, expert fact-finding, early neutral evaluation and variations thereof. Comment.
- Q.7** Explain the provisions relating to ADR system in New Zealand.
- Q.8** Critically evaluate the problem faced by many countries in implementing ADR system with special reference to India.
- Q.9** The enforcement of foreign award is governed by specific legislation. Discuss.
- Q.10** Discuss the salient features of ADR system in India and explain how it can be improved.

MURUD-I : APRIL/MAY 2004
SUBJECT : ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day : Thursday
Date : 13/05/2004

Time : 2.30 P.M. TO 5.30 P.M.
Max. Marks : 80.

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) Family courts
 - b) Fast track arbitration
 - c) Domestic tribunals
 - d) Legal aid camps
 - e) Mini trial
 - f) Importance of ADR
- Q. 2 The Lok Adalat in India supplements the objectives of speedy and free cost justice to the poorest of poor. Comment and explain functioning of Lok Adalat in India.
- Q. 3 Evaluate the provisions regarding arbitration and conciliation as one of the oldest ADR techniques.
- Q. 4 Discuss the need for the establishment of administrative tribunals.
- Q. 5 Analyze the role of National Commission of consumer forum as redressal agency in India.
- Q. 6 Critically evaluate the hurdles in implementing the ADRS system in India.
- Q. 7 Elucidate the powers and functions of District Forum and State Commission under Consumer Protection Act with the help of case laws.
- Q. 8 What is ADRS? Discuss and explain in brief the development of ADRS in India.
- Q. 9 Write notes on:
- a) Legal literacy
 - b) Impact of ADR

MURUD-I : Oct-Nov-2004
SUBJECT : LAW RELATING TO ARBITRATION AND CONCILIATION IN INDIA

Day : *Wednesday*
Date : *6-10-2004*

Time : 2.30 P.M. TO 5.30 P.M.
Max. Marks : 80.

M.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.

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- Q. 1 Write short notes on any **FOUR** of the following:
 - a) Grounds for setting aside award
 - b) Important features of arbitration
 - c) Appointment of conciliators
 - d) Waiver of right to object under UNCITRAL
 - e) Challenge procedure under Arbitration & Conciliation Act, 1996
 - f) Concept of Arbitration
 - Q. 2 Discuss the powers, duties and liabilities of an arbitrator.
 - Q. 3 'The Arbitration & Conciliation Act, 1996 is not only to consolidate and amend the law relating to domestic arbitration but it also seeks to define the law relating to conciliation'. Evaluate the nature, scope and objects of the Act.
 - Q. 4 'An appeal is continuation of proceedings which commence at the lower court'. Comment.
 - Q. 5 Explain the provisions of appointment of arbitrator with reference to the Arbitration Act, 1996.
 - Q. 6 Explain the international commercial arbitration and distinguish it from domestic commercial arbitration.
 - Q. 7 Distinguish the Arbitration and Conciliation Act, 1996 from the Arbitration Act, 1940 and explain the importance of the Arbitration and Conciliation Act, 1996.
 - Q. 8 Write notes on:
 - a) UNCITRAL model law.
 - b) Jurisdiction of arbitration.
 - Q. 9 Write a detailed note on the composition of arbitral tribunal.
 - Q.10 'Award is a decision of an arbitrator which is binding on the parties to the dispute'. Evaluate the provisions of an award with the help of significant judgments.

MURUD - I: Oct. Nov-2004

SUBJECT : INTERNATIONAL LAW RELATING TO ARBITRATION

Day : Friday
Date : 8-10-2004

Time : 2:30 p.m. to 5:30 p.m.
Max. Mark : 80

Q.B.

- 1) Attempt any **SIX** questions in all 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 note on any **FOUR** of the following:
 - a) Conflict of laws
 - b) Domestic awards
 - c) Making of award
 - d) Arbitration agreement
 - e) Need for international law on arbitration
 - f) Jurisdiction of arbitral tribunal
- Q.2 Define the International arbitration law and explain its nature and scope.
- Q.3 The growth of international trade is bound to give rise to international dispute which transcended national frontiers and geographical boundaries. For the resolution of such disputes the preference to international arbitration is natural as there is no international court to deal with international commercial disputes. Comment.
- Q.4 The new law has brought a sea change in the law of arbitration in India and appears to be an improvement on the UNCITRAL model law. Discuss.
- Q.5 Most arbitration laws states that the arbitral procedure, including the construction of arbitral tribunal shall be governed by the will of the parties and the law of the country in whose territory the arbitration takes place. Comment
- Q.6 The foreign award are enforced by a special law through a specific machinery. Elucidate.
- Q.7 Explain the measures for recognition and enforcement of awards in India.
- Q.8 Discuss the impact of Geneva Convention award on the growth of arbitration law.
- Q.9 Critically evaluate the ground for refusing enforcement of award under international law relating to arbitration
- Q.10 Does the constitution supports the concept of international arbitration for settlement of dispute. Discuss and support your answer with landmark judgements.

MURUD-I : Oct. NOV-2004

SUBJECT : ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day : Monday

Time : 2.30 P.M. TO 5.30 P.M.

Date : 11-10-2004

Max. Marks : 80.

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) Fast-track arbitration
- b) Importance of ADR
- c) Negotiation
- d) Family courts
- e) Legal aids camps
- f) Mini trial

Q. 2 'Ombudsman is a watch dog, which barks but cannot bite'. Comment.

Q. 3 Discuss the problems and hurdles faced by the ADR system while implementing its provisions.

Q. 4 'Amongst the various ADR techniques, arbitration and conciliation are the oldest and well known'. Evaluate the provisions regarding arbitration and conciliation.

Q. 5 Critically evaluate the impact of ADRS on the Indian legal system.

Q. 6 What is an administrative tribunal? Discuss the need for establishment of administrative tribunal.

Q. 7 Elucidate the constitution and powers of District Forum under Consumer Protection Act with the help of case laws.

Q. 8 'National commission under Consumer Protection Act is the highest redressal agency in the country'. Analyze the jurisdiction of national commission in India.

Q. 9 Explain the purpose for the establishment of Lok Adalats.

Q.10 Write notes on:

- a) Domestic tribunals
- b) Jurisdiction of Lok Adalats

MURUD - I: *Oct. NOV-2004*
SUBJECT : COMPARATIVE STUDY OF ARBITRATION LAWS

Day : *Wednesday*
Date : *13-10-2004*

Time : 2:30 p.m. to 5:30 p.m.
Max. Mark : 80

N.B.

- 1) Attempt any **SIX** questions in all 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 note on any **FOUR** of the following:
- a) ADR Techniques
 - b) Historical background of ADR in America
 - c) Community based dispute resolution
 - d) Corporate use of ADR
 - e) Law firm response in America
 - f) Appointment of arbitrators in New Zealand
- Q.2** The multi door approach in U.S.A. poses immense challenges and opportunities for lawyers and law firms. Comment.
- Q.3** The ADR movement require the broadened involvement and support not only of the legal and legal education establishments but also of the political and social orders and the public at large. Comment
- Q.4** Critically evaluate the UK experience on functioning of ADR system.
- Q.5** Alternative Dispute Resolution system is well established in New Zealand. Arbitration is undoubtedly the longest standing formal method of dispute resolution in New Zealand outside the court system. Discuss
- Q.6** The constitution of India under Article 51 (d) encourages settlement of international dispute by arbitration. Elucidate
- Q.7** Critically evaluate the law relating to Arbitration in India and discuss its utility.
- Q.8** Draw a comparative chart of arbitration laws in U.S and New Zealand.
- Q.9** UNCITRAL model law is the basis of arbitration laws in many countries. Discuss.
- Q.10** There are many advantages of arbitration as against litigation, then also its growth is very slow in India. Explain the reason and suggests how it can be remedied.