

MURUD- : APRIL / MAY - 2010
SUBJECT: LAW RELATING TO ARBITRATION
AND CONCILIATION IN INDIA

Day : *Thursday*
Date : *27-05-2010*

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 others carry 12 marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Qualifications of an Arbitrator
 - b) Insolvency of a party to an arbitration agreement
 - c) Need for Lok Adalat in India
 - d) Arbitration Tribunal
 - e) Important features of Arbitration
 - f) Statutory Arbitration
- Q.2** Discuss the powers, duties, liabilities of an arbitrator.
- Q.3** Explain who can modify an award, what are the essentials of an award and when can it be set aside.
- Q.4** What is Conciliation? Explain the role of Conciliator.
- Q.5** Explain the historical background and development of Arbitration in India.
- Q.6** Explain the composition and jurisdiction of Arbitral Tribunal under the provisions of the Act of 1996.
- Q.7** What is arbitration agreement? Define the concept of Arbitration agreement with its important features.
- Q.8** "The Arbitrator must be a person, who is impartial and having good faith in the parties to the dispute". Comment.
- Q.9** Write short notes on :
- a) Appeal and Revision under Act of 1996
 - b) Time Limit for making the award
- Q.10** The Arbitration and Conciliation Act is based on the UNCITRAL Model Law. Comment.

MURUD- : APRIL/ MAY- 2010
SUBJECT: ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Day: Saturday
Date: 29-05-2010

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 question carry **12** marks each.
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Q.1 Write short notes on **any FOUR** of the following:

- a) Conciliation
- b) Industrial tribunals
- c) Public awareness
- d) Mediator
- e) Purpose of Lok Adalat
- f) Award

Q.2 Litigation and arbitration are both methods of resolving disputes, one in a Court of law while the other through a private tribunal. Comment

Q.3 What is the meaning of ADRS? Compare litigation with arbitration.

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

Q.5 Discuss the composition, structure and function of Consumer Council.

Q.6 'Lok Adalat as an alternative dispute resolution forum not only minimizes 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.7 Critically evaluate the powers, functions of the Family Courts established under Family Court Act, 1984

Q.8 'The national commission hears appeals and exercises supervisory jurisdiction over all the state commission in the country'. Comment.

Q.9 "Ombudsman is a paper tiger which roar but cannot bite". Critically evaluate the powers of the ombudsman in the light of above statements.

MURUD - : APRIL/MAY - 2010
SUBJECT: INTERNATIONAL LAW RELATING TO ARBITRATION

Day : Friday
Date : 28-05-2010

Time : 2:30 PM 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 the other carry 12 marks each.

- Q.1** Write short notes on any **FOUR** of the following:
- a) Form and contents of arbitral award
 - b) New York Convention
 - c) Foreign awards
 - d) Conciliation and mediation
 - e) Arbitration agreement
 - f) Jurisdiction of arbitral tribunal
- Q.2** Define the international arbitration law and explain its nature and scope.
- Q.3** For the resolution of international disputes the preference to international arbitration is natural as there is no international court to deal with international commercial disputes. Comment.
- Q.4** Explain the measures for recognition and enforcement of award in India.
- Q.5** Discuss the impact of Geneva convention award on the growth of arbitration law.
- Q.6** Elucidate the grounds for refusing enforcement of award under international law relating to arbitration.
- Q.7** Discuss in detail the composition and working of the arbitration tribunal.
- Q.8** Most arbitration laws state that the arbitral procedure, including the constitution of arbitral tribunal shall be governed by the will of the parties and the law of the country in whose territory the arbitration place. Comment.
- Q.9** Does the Indian constitution support the concept of international arbitration for settlement of disputes. Discuss and support your answer with landmark judgment.
- Q.10** Discuss UNICITRAL model law on international commercial arbitration.

MURUD- : APRIL/ MAY- 2010
SUBJECT: COMPARATIVE STUDY OF ARBITRATION LAWS

Day: *Monday*
Date: *31-05-2010*

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 question carry **12** marks each.
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Q.1 — Write short notes on **any FOUR** of the following:

- a) Historical background of ADR in America.
- b) Community based dispute resolution system
- c) Foreign awards in U.K.
- d) Federal court
- e) Corporate use of ADR
- f) Mediators institutes in New Zealand

Q.2 “UNCITRAL model law is the basis of arbitration laws in many countries”. Comment.

Q.3 What does the present Indian Arbitration law provide for enforcement of foreign awards in India

Q.4 Critically analyse the arbitration system in U.K., U.S. & New Zealand.

Q.5 The appointment of arbitrator is crucial for functioning of any ADR system comment.

Q.6 What is international mediation? Explain in brief the types in international mediation.

Q.7 “ADR is totally based on the appointment of the Arbitrator”. Discuss.

Q.8 The present scenario is such that instead of resolving dispute through courts companies prefer Arbitration. Elucidate

Q.9 Discuss the nature & scope of comparative study of arbitration law & explain how it helps in understanding & improving existing law in India.

Q.10 “The New Zealand system of ADR has been based upon Common law model”. Comment & explain its provision.