

DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION SYSTEM (CBCS-2024)
D.A.D.R.S. : SUMMER : 2025
SUBJECT: COMPARATIVE INTERNATIONAL PRACTICES OF ADR

Day : Friday
Date : 23/05/2025

S-30244-2025

Time : 10:00 AM-01:00 PM
Max. Marks : 80

N.B.

- 1) Attempting all the questions is **COMPULSORY**.
- 2) All questions carry **16** marks each.

Q.1 A) Write Short notes on **ANY TWO** of the following:

- a) Recognition and enforcement of annulled awards.
- b) Interim measures in arbitration
- c) Seat Theory
- d) Party Autonomy

OR

Q.1 B) What are the primary Alternative Dispute Resolution Mechanisms used in resolving International Trade disputes?

Q.2 A) Explain how does the law governing the contract, impact arbitration proceedings?

OR

Q.2 B) Discuss the role of the Arbitration and Conciliation Act, 1996 in regulating the enforcement of the foreign awards?

Q.3 A) Analyze the grounds for refusing the enforcement of a foreign award under the New York Convention?

OR

Q.3 B) Elaborate the advantages and disadvantages of judicial intervention in arbitration?

Q.4 A) How does the Geneva Convention differ from the New York Convention in terms of recognition and enforcement?

OR

Q.4 B) "Investor State Dispute Settlement mechanisms are controversial in international ADR" Analyze.

Q.5 A) Discuss the competence-competence principle in the context of the UNCITRAL Model Law.

OR

B) A Company based in France and a firm in Japan enter into an arbitration agreement where they select Swiss Law as the governing law and London as the seat of arbitration. However, during the dispute the Japanese firm argues that Japanese law should apply, claiming that it has stronger connection to the contract. How does the principle of party autonomy impact this dispute?
