

2011

/16

LAW

( Arbitration, Conciliation And Alternative Dispute Resolution )

Course No. 5:5

Full Marks : 100

Time : 3 hours

*The figures in the margin indicate full marks  
for the questions*

*Answer question no. 1 and any five questions from the rest*

1. Dispute resolution mechanism consists of: (10+10)
  - a) Resolution through Courts (litigation) and
  - b) Resolution alternative to courts (ADR)

How do you distinguish between the two mechanisms? Discuss the advantages of both the mechanisms.
2. Write short notes (any four) of the following: (4x4)
  - a) Statement of Claim.
  - b) Statement of defence.
  - c) Hearing in arbitral proceedings.
  - d) Language of arbitration.
  - e) Arbitration clause in an agreement.
3. What are the different kinds of awards which (8+4+4) can be passed by an arbitral tribunal in India? Explain the provisions relating to correction and interpretation of awards by the arbitral tribunal. What are the status and effects of awards which are corrected by the arbitral tribunal or of which interpretation is rendered by the arbitral tribunal?

*(Please turn over)*

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4. Define the term "Court" under the Arbitration and Conciliation Act, 1996. Discuss the powers of the "Court" under the Act. (6+10)
5. Define "International Commercial Arbitration" under the Arbitration and Conciliation Act, 1996. Explain how International Commercial Arbitration has been covered under the Act. (6+10)
6. What do you mean by 'Consolidating and Amending Act'? Is the Arbitration and Conciliation Act, 1996 a consolidating and amending Act? Give reasons. (16)
7. Which of the following disputes can or cannot be referred to arbitration:- (16)
  - a) Winding up of companies.
  - b) Contract of apprenticeship.
  - c) Compoundable offences.
  - d) Consumer disputes.
  - e) Testamentary succession.
8. Explain the provisions relating to following matters pertaining to conciliation: (16)
  - a) Commencement of conciliation proceedings.
  - b) Submission of Written Statement.
  - c) Role of conciliators in conciliation proceedings.
  - d) Confidentiality.
  - e) Litigation and arbitration during conciliation proceedings.
  - f) Termination of conciliation proceedings.

(Please turn over)

9. a) Discuss Arbitral Tribunal's powers to fix costs and to grant interest. (8+8)
- b) Mr. A moves an application for setting aside the arbitral award on the ground that he was not given proper notice of the arbitral proceedings and thus he could not present his case. He furnishes sufficient proof and pleads before the court that he received the arbitral award just fifteen days back. What is the remedy to be provided by the court in this case? 1)
10. Write an essay on the jurisdiction and powers of the Arbitral Tribunal under the Arbitration and Conciliation Act, 1996. (16)

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4x5

8+8

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