

2012

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. Why Alternative Dispute Resolution system is (7+7+6) required in India. Distinguish between conciliation and mediation. What are the advantages of the Alternative means of Dispute Redressal?
2. Explain the provisions relating to the following (16) aspects of arbitral proceedings:
 - a) Commencement of arbitral proceedings
 - b) Termination of arbitral proceedings
 - c) Determination of rules of procedure
 - d) Place of arbitration
 - e) Language of arbitration
3. What are the provisions of judicial intervention in (8+8) arbitration under the Arbitration and Conciliation Act, 1996? State the grounds for setting aside an arbitral award.

(Please turn over)

4. Explain the term '*Jurisdiction*'. Discuss the law relating to the jurisdiction and powers of the Arbitral Tribunal. (6+10)
5. What are the essential ingredients of Negotiation? Discuss the power sources for negotiation and the kinds of approaches to negotiation. (6+10)
6. Write short notes on any four of the followings- (4x4)
 - a) Interim relief
 - b) International commercial Arbitration
 - c) Foreign Awards for Geneva Convention
 - d) Foreign Awards for New York Convention
 - e) Statement of claim
7. Who is conciator? Role of conciator in conciliation proceedings and duties of parties. (8+10)
8. Distinguish between any two of the followings- (8+8)
 - a) Domestic Award and Foreign Award
 - b) Arbitration Agreement and Settlement Agreement
 - c) Conciliation and Arbitration
9. Who is arbitrator? Who appoints arbitrator and in what number? Discuss the provisions for appointment, challenge, termination of mandate and replacement of an arbitrator. (4+4+8)
10. What do you mean by '*consolidating and Amending Act*'? Is the Arbitration and conciliation Act, 1996 a consolidating and amending Act? Give reasons. (16)
