

2013

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. Write short notes on *any four* of the followings: **(4x5)**
 - a) Settlement Agreement
 - b) Arbitral Tribunal
 - c) Hearing in Arbitration Proceedings
 - d) UNCITRAL
 - e) Conciliation during Arbitration

2. a) Discuss the main objectives of the Arbitration and Conciliation Act, 1996. **(8)**
b) Explain how International Commercial Arbitration has been covered under the Act. **(8)**

3. Put forward your argument in favour of the statement that the Arbitration and Conciliation Act, 1996 is a '*Consolidating and Amending Act*'. **(16)**

4. What do you mean by Alternate Dispute Resolution? Discuss the advantages and importance of Alternative Dispute Resolution (ADR) system. **(6+10)**

(Please turn over)

5. a) Discuss the form and contents of arbitral award. (5)
- b) What are the provisions for correction and interpretation of award? (5)
- c) Can an arbitral Tribunal pass interim and additional award? If so, under what circumstances and what are the laws relating to its? (6)
6. What is conciliation? Does the settlement agreement reached by the parties as a result of conciliation proceedings have the same status and effect as of an arbitral award under the Arbitration and Conciliation Act, 1996? Can there be any conciliation in course of arbitral proceeding? Discuss in detail. (5+5+6)
7. Explain the following: (5+5+6)
- a) Submission of written statement to conciliators
- b) Commencement and termination of conciliation proceedings
- c) Disclosure and confidentiality of information received by conciliators.
8. *"The doctrine of natural justice pervades the procedural law of arbitration"*. Amplify the statement commenting on the procedural right of a party in arbitral proceedings. (16)
9. a) What are the determining tests of arbitral agreement? (10)
- b) Do you agree that even if the other terms of a contract are invalid, arbitration clause in a contract can be enforced? Give reasons for your answer. (6)
10. Discuss the defects in the Arbitration Law prior to the enforcement of the Arbitration and Conciliation Act, 1996. What are the different kinds of arbitration covered under the Arbitration and Conciliation Act, 1996? (16)
