

2014

## 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. Discuss various modes of Alternative Dispute Resolution. 20
2. Define Arbitration Agreement. Explain the provisions for challenging the validity of arbitration agreement. 6+10
3. Distinguish between arbitration and conciliation. Add a note on the commencement of arbitration proceedings and that of conciliation proceedings. 10+6
4. Define "Arbitrator". Explain the statutory provisions regarding appointment of arbitrators. 4+12
5. What is an arbitral awards? Explain the grounds on which the court can set aside the arbitral award. 4+12
6. Write notes on *any two* of the following: 8+8
  - a) Communication of Statement of claim and statement of defence.

*(Please turn over)*

- b) Arbitral award on agreed terms.
  - c) Correction and interpretation of arbitral awards.
7. Which of the following disputes can or cannot be referred to arbitration? Give reasons. 4x4
- a) Winding up of companies
  - b) Tort matters
  - c) Compoundable offences
  - d) Contract of apprenticeship
8. Write an essay on the historical background of the enactment of the Arbitration and Conciliation Act, 1996. 16
8. Distinguish between *any two* of the following pairs: 2x8
- a) International Commercial Arbitration and Domestic Arbitration.
  - b) Enforcement of awards for Geneva Convention and enforcement of awards for New York, Convention.
  - c) Arbitration and Litigation
10. Define the term 'Court' under Section 2(1) (e) of the Arbitration and Conciliation Act, 1996. Discuss the powers of the Court under the Act. 16

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