

2015

LAW

(Arbitration, Conciliation And Alternative Dispute Resolution)

Paper No. 5:5

*Full Marks : 100**Pass Marks : 40**Time : 3 hours*

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

Answer questions No. 1 and any five from the rest.

1. Write explanatory notes on *any two* of the following 2x10
 - a) Termination of conciliation proceedings.
 - b) Statutory Arbitration
 - c) Clauses having effect of "*Arbitration agreement*"

2. What is arbitration? Discuss the categories and types of arbitration. State its advantages. 4+8+4

3. Critically analyse the Arbitration and Conciliation Act, 1996. 16

4. State the rules relating to interim measures etc, by the courts with decided cases. 16

(Please turn over)

5. What to you mean by Domestic Award? Discuss the provisions relating to form and contents of an arbitral award. 8+8
6. State the composition of the Arbitral Tribunal and explain the rules relating to conduct of arbitral proceedings as provided under the Arbitration and Conciliation Act, 1996. 16
7. The "*Alternate Dispute Resolution*" (ADR) is not an alternative to the formal judicial system but only a supplement to it. Comment. 16
8. Which of the following disputes can or cannot be referred to Arbitration? Give reasons. 4x4
- a) Winding up of companies
 - b) Consumer disputes
 - c) Compoundable offences
 - d) Testamentary succession
9. Discuss the extent of judicial intervention in Arbitration proceedings. 16
10. Differentiate between Conciliation and Mediation. Discuss the settlement of disputes under conciliation and the status and effect of settlement agreement. 6+10

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