

2016

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 four* of the following **4x5**
 - a) Institutional Arbitration
 - b) Arbitral Tribunal
 - c) UNCITRAL
 - d) Settlement Agreement
 - e) Arbitrator

2. What are 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? **8+8**

3. Discuss the provisions for appointment, challenge, termination of mandate and replacement of an arbitrator. **16**

(Please turn over)

4. Discuss the provisions in the Act of 1996 that allows the judiciary to intervene in arbitral proceedings. 16
5. Distinguish between: 5+5+6
- a) International Commercial Arbitration and Domestic Arbitration
 - b) Arbitration and Conciliation
 - c) Enforcement of awards for Geneva Convention and enforcement of awards for New York Convention.
6. Define an arbitral awards? Explain the grounds on which the court can set aside the arbitral award. 4+12
7. 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. 5+5+6
8. Which of the following disputes can or cannot be referred to Arbitration? Give reasons. 4x4
- a) Specific performance of contract
 - b) Consumer disputes
 - c) Winding up of companies
 - d) Compoundable offences
9. What are the salient features of the Arbitration and Conciliation Act, 1996? And what are the advantages of Arbitration? 10+6
10. Define Arbitration Agreement. Explain the provisions for challenging the validity of arbitration agreement. 6+10

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