

2017

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) Statutory Arbitration
 - b) Conciliation during Arbitration
 - c) Legal representative
 - d) Arbitration clause in an agreement
 - e) Statement of Claim
2. Discuss the main objectives of the Arbitration and Conciliation Act, 1996. Explain how International Commercial Arbitration has been covered under the Act. 8+8
3. Explain the term '*Jurisdiction*'. Discuss the law relating to the jurisdiction and powers of the arbitral Tribunal. 4+12
4. What do you mean by Alternative Dispute Resolution? Discuss the advantages and importance of Alternative Dispute Resolution (ADR) system. 6+10

(Please turn over)

5. Distinguish between: 5+5+6
- a) Domestic Award and Foreign Award
 - b) Conciliation and Mediation
 - c) Arbitration Agreement and Settlement Agreement
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. Define the term '*Conciliator*'. Who appoints conciliator? What are the obligations of the parties to conciliation proceedings? 4+4+8
8. Explain the provisions relating to the following aspects of arbitral proceedings: 4x4
- a) Commencement of arbitral proceedings
 - b) Termination of arbitral proceedings
 - c) Determination of rules of procedure
 - d) Language of arbitration
9. Define the term '*Court*' under the Arbitration and Conciliation Act, 1996. Discuss the powers of the '*Court*' under the Act. 6+10
10. Explain the provisions relating to following matters pertaining to conciliation: 4x4
- a) Submission of written statement to conciliators
 - b) Commencement and termination of conciliation proceedings
 - c) Role of Conciliators in conciliation proceedings
 - d) Disclosure and confidentiality of information received by conciliators

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