

2019

LAW

(Arbitration, Conciliation And Alternative Dispute Resolution)

Paper No. 5:5

DIMAPUR LIBRARY
Hill View Colony
Dimapur : Nagaland

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) Legal representative
 - b) Hearing in Arbitration Proceedings
 - c) Statement of claims
 - d) Conciliation during Arbitration
 - e) Settlement of disputes outside the Court

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. 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

(Please turn over)

4. Distinguish between: 6+5+6
- a) Arbitration Agreement and Settlement Agreement
 - b) Domestic Award and Foreign Award
 - c) Conciliation and Mediation
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. Define the term '*Conciliator*'. Who appoints conciliator? What are the obligations of the parties to conciliation proceedings? 4+4+8
7. 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? 8+8
8. Which of the following disputes can or cannot be referred to arbitration? Give reasons. 4x4
- a) Winding up of companies
 - b) Compoundable offences
 - c) Tort matters
 - d) Specific performance of contract
9. Explain the provisions relating to following matters pertaining to conciliation: 4x4
- a) Submission of written statement to conciliators
 - b) Commencement and termination of conciliators proceedings
 - c) Role of Conciliators in conciliation proceedings
 - d) Disclosure and confidentiality of information received by conciliators.
10. What do you mean by Alternate Dispute Resolution? Discuss the advantages and importance of alternate Dispute Resolution (ADR) system. 6+10

