

2020

LAW

( Arbitration, Conciliation And Alternative Dispute Resolution )

Paper No. 5:5 (OLD COURSE)

Full Marks : 100

Pass Marks : 40

Time : 3 hours

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The figures in the margin indicate full marks  
for the questions

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

1. Write explanatory notes on **any four** of the following **4x5**
- Advantages of arbitration
  - UNCITRAL
  - Form and contents of arbitral award
  - Appealable orders
  - Settlement agreement
  - Conditions for enforcement of foreign awards
2. Define arbitration agreement. Are there provisions for challenging the validity of an arbitration agreement? Explain. **6+10**
3. Explain the term Jurisdiction. Discuss the jurisdiction and powers of the Arbitral Tribunals. **4+12**

4. How is an arbitral proceedings conducted? What are the grounds on which the court can set aside an arbitral award? **8+8**
5. Discuss the provisions for appointment, challenge, termination of mandate and replacement of an arbitrator. **16**
6. The Arbitration and Conciliation Act, 1996, deals with domestic arbitration, international commercial arbitration and enforcement of foreign awards; and also conciliation. Highlight the salient features of the Act. **16**
7. Write notes on: **8+8**
- Interim measures ordered by an Arbitral Tribunal
  - Court assistance in taking evidence
8. Explain the statutory provisions on finality and enforcement of arbitral awards. **16**
9. Explain conciliation and its difference with arbitration. Discuss the provisions dealing with commencement and termination of conciliation proceedings. **6+10**
10. Highlight the salient features of the alternative means of settlement of disputes as provided for under the Arbitration and Conciliation Act. **6+10**

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(Please turn over)

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