

Diploma in Alternative Dispute Resolution System (D.A.D.R.S.) :
WINTER - 2018

SUBJECT: LAW RELATING TO ARBITRATION AND CONCILIATION IN INDIA

Day : Monday
Date : 29/10/2018

W-2018-1675

Time: 02.30 PM TO 05.30 PM
Max. Marks: 80

N.B.:

- 1) Attempt any **SIX** questions including **Q. No. 1** which is **COMPULSORY**.
 - 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks each.
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Q.1 Attempt **ANY FOUR** short notes from the following:

- a) Litigation v/s Arbitration
- b) Commercial dispute
- c) Need of professional arbitration
- d) Qualification of Arbitrator
- e) Interim measures by court
- f) Ground of reference

Q.2 "Arbitration and Conciliation Act is not only to consolidate and amend the law relating domestic arbitration but also seek to define law relating to conciliation." Elaborate the nature and scope of the Arbitration and Conciliation Act 1996.

Q.3 "The purpose of Arbitration Act is to provide quick redressal to domestic, commercial and International dispute by private arbitration" Elaborate the above statement with the help of appropriate provisions of the Act.

Q.4 Trace the historical development of the concept of Arbitration and Conciliation in India.

Q.5 "Arbitral Award is binding on the parties and no second appeal shall lie from an order passed in appeal". Enumerate the appeal provisions in the Arbitration and Conciliation Act 1996.

Q.6 "An Arbitrator has no authority on jurisdiction beyond that defined by the term of contract". Evaluate the rules relating to jurisdiction of Arbitral Tribunal in the light of relevant provisions of the Act.

Q.7 Discuss the important features of the UNICITRAL model law on arbitration in the light of appropriate provisions.

Q.8 "The introduction of Lok Adalats added a new chapter to the justice dispensation system and succeeded in providing a supplementary forum to the litigants or disputants for satisfactory settlement of their disputes." Discuss the nature and scope of Lok Adalat in India.

Q.9 What is the difference between Arbitration and Conciliation? Enumerate the merits and demerits of the Arbitration and Conciliation.

Q.10 Write a note on:

- a) Nature of appointment of Conciliator.
- b) Commencement of Conciliation Proceedings.

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