

- (c) Discuss the provision relating to decision making by panel of arbitrators.
- (d) What is the applicability of the principle of Res-judicata in arbitration? Explain.
- (e) What is the finality of the arbitral award? Explain.
- (f) Write short notes on International Commercial Arbitration.



No. of Printed Pages : 04

Following Paper ID and Roll No. to be filled in your Answer Book.

PAPER ID : 9136

Roll
No.

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Int. LLB. Examination 2017-18

(Seventh Semester)

CLNIC - I (ADR)

Time : Three Hours]**[Maximum Marks : 100****Note :-** Attempt all questions.

1. Attempt any four parts of the following : 5x4=20

- (a) What do you mean by the terms, "arbitration - agreement".
- (b) What do you understand by the term "Arbitration"? Explain.
- (c) Define the term "arbitral award" and how the award is enforced?
- (d) What do you understand by term "conciliation"?

- (e) Discuss the circumstances under which an appeal shall lie against the orders of the court.
- (f) What are the differences between the conciliation and Arbitration? Explain.
2. Attempt any four parts of the following : $5 \times 4 = 20$
- (a) How the conciliator is appointed under the Act.
- (b) What is the principles of waiver?
- (c) To what extent the "Judicial Power" is restricted under the Arbitration and conciliation Act, 1996.
- (d) Whether the Court in India is empowered to issue interim injunction in Arbitration? Explain.
- (e) Explain the circumstances when the mandate of an arbitrator can be terminated?
- (f) How the substitution of an arbitrator is made? Explain.
3. Attempt any two parts of the following : $10 \times 2 = 20$
- (a) Discuss the salient features of the Arbitration and Conciliation Act, 1996.

- (b) Discuss the powers of arbitral tribunal to use mediation and conciliation as modes of settlement of dispute.
- (c) How the arbitrators are appointed? Whether the appointments can be challenged? Explain.
4. Attempt any two parts of the following : $10 \times 2 = 20$
- (a) What are the differences in meaning of "foreign award" under the New York Convention and the Geneva Convention? Distinguish.
- (b) Discuss the conciliator's obligation of disclosure of information received from one party to the other party of the conciliation proceeding.
- (c) What are the main characteristics of the Arbitration and Conciliation Act, 1996? Explain.
5. Attempt any four parts of the following : $5 \times 4 = 20$
- (a) What are the interim measures ordered by arbitral tribunal.
- (b) Discuss whether the arbitrator is bound to treat the parties on equal footing.