

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in Alternative Dispute Resolution (Batch 2019 – 2020)

Take Home – Supplementary Examination (January, 2021)

Paper III – 1.3. Law of Arbitration and Conciliation in India

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written in 1200 - 1500 words.*
 - f) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - g) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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1. Explain the advantages and disadvantages of arbitration. **(25 marks)**
2. Explain the doctrine of separability and competence- competence, with the aid of relevant provisions of law. Also discuss how are they different from each other and what is their importance for arbitration? **(25 marks)**
3. India is not considered an arbitration friendly jurisdiction. Not only foreign parties do not want to opt India as seat of arbitration even in domestic arbitration, parties want to choose a foreign seat of arbitration. What are the reasons for this and what needs to be done to make India an attractive place for arbitration? **(25 marks)**
4. An Indian Company named C gets a construction project from the government of India. It is entitled to sublet it to any other competent construction company. In the year 2015, it sublets some portion of the project to a company D which was incorporated in India in the year 2010. However its (D) central management and control is exercised from Japan. The agreement between C and D had provided for settlement of any dispute related to the construction contract through arbitration. A dispute arose with respect to the payment and D made a request to refer the dispute to arbitration. When no reply was given by C to the said notice, D applied to the Supreme Court for appointment of an arbitrator. C challenges the jurisdiction of the Supreme Court to hear the matter. Discuss and decide with the aid of relevant provisions of law and cases. **(25 marks)**