

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

**Advanced Diploma in Alternative Dispute Resolution
P.G. Diploma in Alternative Dispute Resolution**

Academic Year: 2022-2023

Annual Examination (June, 2023)

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

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Answer all the four questions and each question carries 25 marks.

Q.1. Arbitration is an autonomous system of dispute resolution. Accordingly, Section 5 of the 1996 Arbitration Act provides that courts must not interfere except where so provided in this Act. Explain the situations when they can play a role in an arbitration seated in India. **(25 marks)**

Q.2. a) X has entered into an arbitration agreement with Y. When the dispute occurred Y institutes a suit against X in the court of law. What remedy X has against Y in the given situation if he/ she does not want to litigate in the court. Explain the law in this regard to X with the help of relevant provisions of law. **(10 marks)**

b) An between A and B states that in the event of a dispute between them with respect to a particular contract the dispute shall be settled by a tribunal consisting of 3 arbitrators.

A appoints an arbitrator but B does not respond to the request to appoint an arbitrator. What remedy does A can avail in this situation to constitute the arbitration tribunal. How can the remaining 2 arbitrators be appointed in domestic and international commercial arbitration? Refer to the relevant provisions of law. **(15 marks)**

Q 3. A pharmaceutical company incorporated in India enters into a contract to manufacture a life-saving medicine invented by a UK based research institute. According to the agreement the Indian company must supply half of the 50 million doses produced by it to the UK government. Unfortunately there is a great demand of the medicine in India and the government of India imposes a ban on the export of the medicine. The UK based research institute invokes the arbitration agreement it had entered into with the Indian company claims damages from it for its failure to supply the medicine. The arbitration tribunal in London passes an award against the Indian company. The Indian company refuses to comply with it. The claimant applies to the Bombay High Court for enforcement and the Indian company resists the enforcement on the ground of violation of public policy.

Critically analyzing the legal position in this respect, give your verdict. **(25 marks)**

Q.4. Discuss the role of a conciliator in conciliation. Explain the nature and scope of the Settlement Agreement entered into between the parties to a dispute in conciliation proceeding? **(25 marks)**