

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

Post-Graduate Diploma in Alternative Dispute Resolution (Batch 2020 – 2021)

Take Home – Supplementary Examination (November, 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 approximate word limit for a 25 marks question is 800-1000, for a 15 marks question, 600-700, for a 10 marks question 400-500 and for a 5 marks question 200-250*
 - f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.*
 - h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - i) 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. Discuss the advantages and disadvantages of ad-hoc arbitration and institutional arbitration. **(25 Marks)**
- 2. According to the Registration Act 1908 a lease agreement shall be registered so as to be valid. A enters into an agreement with B to lease a piece of a land in latter's favour but the agreement is not registered. The same agreement provides for arbitration in the event of a dispute between the parties to the lease agreement. A dispute occurs between them. A sends a notice of appointment of arbitrator to B. B does not comply with the same. Consequently, A applies to the Court for appointment of the arbitrator. B objects to the same on the ground of non-registration of the relevant agreement. Discuss and decide. **(25 Marks)**
- 3. Critically examine the application of the doctrine of public policy by the Indian courts to refuse the enforcement of arbitral awards under Section 34 of the 1996, Act. **(25 Marks)**
- 4. Why is India not preferred as a seat of arbitration by an international party? What suggestions would you give to improve this situation? **(25 Marks)**