

Advanced Diploma in Alternative Dispute Resolution (Batch 2021 – 2022)

Take Home – Supplementary Examination (November 18-21, 2022)

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) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - f) *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.*
 - g) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - h) 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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Q. 1. Explain the advantages and disadvantages of arbitration. **[Marks-25, Word limit Max. 2 pages]**

Q. 2. Critically examine with the aid of relevant provisions of law and cases the evolution of law with respect to the nature of the power of courts to appoint an arbitrator in the event of failure by a party to so. Also examine the consequences of different approaches taken by courts in this regard. **[Marks-25, Word limit Max. 2 pages]**

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. **[Marks-25, Word limit Max. 2 pages]**

Q. 4. What is meant by conciliation? Discuss the law related to appointment and removal of conciliators. Also explain the role of the conciliator in conciliation proceedings. **[Marks-25, Word limit Max. 2 pages]**