

FACULTY OF LAW

B.Y.D.C.) III Year V Semester Regular Examination, December 2010

LAW

- IV : Arbitration, Conciliation and Alternative Disputes Resolution Systems

[Max. Marks : 80

PART - A

Answer any five of the following :

(5×6=30 Marks)

1. Arbitration Agreement

2. International Commercial Arbitration

3. Negotiation

4. Appeal on arbitral award

5. Role of Conciliation

6. Lok Adalats

7. Additional award

8. Tribunals.

PART - B

Answer any two of the following :

(2×15=30 Marks)

1. What are the advantages and disadvantages of ADR ?

2. Explain the grounds on which the arbitral award can be set aside.

3. Explain the powers and functions of Conciliator.

4. Explain the powers and functions of 'Lok Adalat' under Legal Services Authority' Act.



PART – C

Answer any two of the following :

(2×10=20 Marks)

13. There was a contract to purchase palm-oil by Karachi firm from a Singapore seller. The contract included arbitration clause. The Karachi firm contended that the agent who purported to contract on their behalf has no actual or apparent authority to do so. The seller commenced arbitration proceedings. The Karachi party applied for a stay – Decide.

14. A partnership deed contained an arbitration clause. A suit was filed by one of the partners against his other partners for misappropriation of partnership moneys and improper retention of the balance. Can the suit be stayed under Sec. 34 of the Arbitration Act ? Decide.

15. In a contract of carriage of goods by Sea, there was short delivery. The aggrieved party demanded arbitration in terms of contract. Then followed a spate of telegrams without any response from carrier's side. A suit was instituted. The Carrier then sought stay. Decide.

16. 'A' and 'B' appointed 'C' as an arbitrator. 'C' gave award without giving any reasons. 'A' questioned the validity of award. Decide.