



ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION (PRACTICAL TRAINING)

BALL.B. Sem. VIII (2020-25) :: PAPER CODE (BL -8005)

LL.B. Sem. IV (2022-25) :: PAPER CODE (K - 4007)

IMPORTANT NOTE:

- This Practical Course contains three components;
 - **Theoretical Written examination (Max. Marks: 50)** with the End Semester Examinations as per the CCS University date sheets.
 - **Practical Examination (Max. Marks: 40)** to be shown to the Faculty In-charge on the date of practical examination.
 - **Viva – Voce Examination (Marks: 10)**- The date for the same shall be informed later.
- **First page should be mentioning the following details:**
 - **University Name:**
 - **College Name:**
 - **Course Name / Code:**
 - **Student Name / Father Name:**
 - **Batch / Class / Roll No.:**
 - **Student Signature:**
 - **Faculty Signature:**
- **Second Page - Index** with page numbers.
- Use **plain A4 size paper**. Write on **one side of the paper** only. Leave back side of each paper blank.
- All Projects are to be prepared as a proper case file (in original for evaluation).
- Project file should be at least 60 pages.
- Kindly submit all written work in **"MANUSCRIPT – HAND WRITTEN"** only, any kind of typed work or photo copy is not eligible for the submission.



Practical Questions

There are total eight Questions. Each carries equal marks.

Max. Marks: 50

Problem 01:

Pritam enters into a contract with Sidhhi. The contract contains an Arbitration clause. When the dispute between Pritam and Sidhhi arose, Sidhhi went to the Civil court to resolve their dispute. Pritam argued that their dispute be referred to Arbitration. Sidhhi argued that as there was no separate Arbitration Agreement between them their dispute need not be referred to Arbitration.

Q.01.

Was there an Arbitration Agreement between the parties? Discuss using the relevant provisions of the Arbitration and Conciliation Act 1996. Explain the meaning of Doctrine of Separability and Principle of Competence - Competence.

Problem 02:

Sushila and Meenakshi entered into a contract where Sushila had to deliver 400 mangoes to Meenakshi every week. Sushila failed to provide the required mangoes as agreed by her. Meenakshi went to the Court to get the dispute solved through Judicial Proceedings. Sushila requested the court to use the power given to it under Section 89 of Civil Procedure Code, 1908 and refer the dispute to Arbitration.

Q.01.

What is Section 89 of CPC? Is consent of both the parties required before using the power of Section 89 CPC? Explain with the help of case laws.

Q.02.

What is Conciliation? Elaborate on process of Conciliation under The Arbitration and Conciliation Act, 1996. Also draft a Conciliation Settlement.

(Note: you can add some facts of your own to the problem for drafting



effectively.)

Q.03.

What is the difference between final result of Conciliation, Arbitration, Lok Adalat and Mediation process?

Theoretical Questions

Q.01.

What are the major differences between the Geneva Convention and New York Convention? What are the prerequisites for enforcing a foreign award in India? Explain the difference between a Domestic Award and a Foreign Award.

Q.02.

Explain the different types of laws which govern the concept of Arbitration. What is the natural course of action if the parties have not mentioned the "Law governing the Arbitration Agreement"? Explain using case laws.

Q. 03

Explain the grounds on which the Arbitration Award can be challenged. What is the power of Remission mentioned under Section 34 of Arbitration and Conciliation Act 1996?

Q.04.

Explain Multi Door opportunity and Online Dispute Resolution.

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