



14463

**BRAINWARE UNIVERSITY****Term End Examination 2024-2025****Programme – LLM-2024****Course Name – Commercial Arbitration****Course Code - LLM202A****(Semester II)**

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BRAINWARE UNIVERSITY
SCHOOL OF LAW
Barasat, Kolkata- 700125

Full Marks : 60**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A**(Multiple Choice Type Question)****1 x 15=15**

1. Choose the correct alternative from the following :

- (i) State the purpose of arbitration.
 - a) A court procedure
 - b) A form of dispute resolution
 - c) A type of punishment
 - d) A financial penalty
- (ii) List one major advantage of arbitration.
 - a) Increased litigation
 - b) Confidentiality
 - c) Longer resolution time
 - d) Government intervention
- (iii) Recall the year the Arbitration and Conciliation Act was enacted in India.
 - a) 1990
 - b) 1996
 - c) 2001
 - d) 2015
- (iv) Identify the primary purpose of ADR.
 - a) To increase legal disputes
 - b) To provide efficient dispute resolution
 - c) To delay cases
 - d) To remove court procedures
- (v) Name the global organization that developed the UNCITRAL Model Law.
 - a) World Bank
 - b) United Nations
 - c) WTO
 - d) IMF
- (vi) Analyze the benefits of arbitration over litigation.
 - a) Arbitration is confidential and quicker
 - b) Litigation is cheaper
 - c) Only litigation allows settlements
 - d) Arbitration is non-binding
- (vii) Distinguish between ad-hoc and institutional arbitration.
 - a) Ad-hoc follows no specific rules, institutional follows set rules
 - b) Both are regulated by the government

- c) Institutional arbitration is informal d) Ad-hoc arbitration is faster
- (viii) Examine how party autonomy influences arbitration agreements.
- a) It allows courts to dictate arbitration b) It enables parties to set arbitration terms
- c) It restricts arbitration clauses d) It eliminates the need for arbitration
- (ix) Compare the enforcement of domestic and foreign arbitration agreements.
- a) Domestic awards are easier to enforce, b) Both require government approval
foreign awards need conventions
- c) Foreign awards are enforced faster d) Domestic awards need Supreme Court approval
- (x) Analyze the role of the judiciary in arbitration agreement disputes.
- a) Judiciary assists in enforcement and b) Judiciary always intervenes in arbitration
upholding agreements
- c) Courts have no role in arbitration d) Arbitration requires mandatory judicial approval
- (xi) Name the competent authority for enforcement of Geneva Convention awards in India.
- a) Supreme Court b) District Court
- c) High Court d) Arbitral Tribunal
- (xii) Explain the significance of reciprocity under the Geneva Convention.
- a) Awards must be from countries that b) All countries automatically recognize Geneva
recognize and enforce Indian awards Convention awards
- c) It prevents enforcement of foreign awards d) It applies only to criminal cases
- (xiii) Summarize the documentation required under Section 57 for enforcing a Geneva Convention award.
- a) Original award, arbitration agreement, and b) Only the arbitrator's personal opinion
proof of finality
- c) A certificate from the Supreme Court d) An approval from the government
- (xiv) Illustrate how the Geneva Convention process differs from the New York Convention process.
- a) Geneva Convention has stricter enforcement b) New York Convention requires court
conditions, including proof of reciprocity permission
- c) Both are identical d) Geneva Convention applies only to domestic disputes
- (xv) Interpret the role of the term 'fundamental justice' in Geneva Convention enforcement.
- a) It ensures fair treatment in arbitration b) It prevents enforcement
proceedings
- c) It applies only to domestic arbitration d) It removes arbitrator discretion

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Define arbitration and its significance. (3)
3. Identify the key objectives of the Arbitration and Conciliation Act, 1996. (3)
4. Describe the role of an arbitrator. (3)
5. Evaluate the impact of judicial intervention on arbitration proceedings. (3)
6. Examine the difference between recognition and enforcement of arbitral awards. (3)

OR

- Contrast the enforcement process for domestic and foreign arbitral awards. (3)

Group-C
(Long Answer Type Questions)

5 x 6=30

7. Critically analyze the role of national courts in supporting and supervising arbitration proceedings. (5)
8. Evaluate the effectiveness of the UNCITRAL Model Law in promoting harmonization of arbitration laws globally. (5)
9. Compare and contrast arbitration with mediation and conciliation in terms of process, enforceability, and party autonomy. (5)
10. Define arbitration and critically examine its role as an alternative dispute resolution mechanism in commercial disputes. (5)
11. Discuss the historical evolution of arbitration as a mechanism for resolving commercial disputes. (5)
12. Critically examine the role of the arbitrator as a quasi-judicial authority in commercial disputes. (5)

OR

Evaluate the benefits and limitations of emergency arbitration in commercial dispute resolution. (5)

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