N.B.:1) Attempt any four questions.

     2) Figures to the right indicate full marks.

     3) Cite relevant case laws where necessary.

Q.1. State the circumstances under which the Chief Justice is empowered to appoint
    an arbitrator. Discuss the process for disqualification/ Removal of Arbitrators.

Q.2. State the grounds and effect of doctrine of frustration.   Discuss the nature of voidable
agreements. Elaborately discuss the doctrine of restitution under the law of contract.

Q.3.Trace the historical background of the Arbitration and Conciliation Act, 1996. How far
alternative dispute mechanism has been effective in resolving the disputes efficiently and judiciously
at international and national level. Discuss.

Q. 4. Explain the concept of "Lassiez Faire" in the context of individualistic ideology.
    The freedom of contract and sanctity of contract were the necessary instruments of laissez
    faire, "it was the function of the court to foster the one and vindicate the other".
    Examine this statement with reference to the "consensus" theory of contract?

Q.5. Write notes on any three of the following—

      1. Definition and meaning of Arbitration.

      2.   Free Consent

      3. Arbitral Award.

      4. Recourse against arbitral award.

      5. Capacity of Parties to enter into Valid Contract.

Q.6. Discuss the following—

      A. Essentials of valid contract.

      B. Distinction between Arbitration Act, 1940 and Arbitration and Conciliation Act, 1996.

      C. Composition and conduct of Arbitral Tribunal

_____

[Time: 3 Hours] **[Marks:100]**

Please check whether you have got the right question paper.

N.B: 1. Attempt **any four** questions.
       2. Figures to the right indicate full marks.
       3. Cite relevant case laws where necessary.

Q.1 Discuss tender of performance, anticipatory breach of contract. State the rules for ascertaining of damages.

Q.2 Briefly discuss the nature, object and scope of fundamental principles of contract. Enumerate the essential of a valid agreement.

Q.3 Explain the role and functioning of "Family Courts" and "Lok Adalat" as a machinery for alternative dispute redressal mechanism in India.

Q.4 Discuss the procedure of appeal against arbitral award in accordance with Arbitration and Conciliation Act of 1996.

Q.5 Write short notes on **any two** of the following -
     a) State exception to the rule, "No consideration No contract."
     b) Composition of Arbitral Tribunal
     c) Effect of Consent induced by coercion or undue influence on agreement.

Q.6 Define Void Agreement. Enlist the list of void agreement under Indian Contract Act of 1872.

Q.7 Discuss the following -
     a) Salient features of United Nation's Convention on the International Sale of Goods
     b) Finality and Enforcement of Arbitral Awards
     c) Commercial Arbitration

****

7E6259A3BF750C93766A19910923DB4F

मराठी रुपांतर

[वेळ: ३ तास]   [गुण: १००]

Please check whether you have got the right question paper.

पूर्वसूचना:   १) कोणत्याही चार प्रश्नांचा प्रयत्न करा.

२) उजवीकडे असलेले अंक पूर्ण गुण दर्शवितात.

३) आवश्यक असल्यास संबंधित न्यायनिर्णय लिहा.

प्र.१   कामगिरी निविदा, करारांचे आगाऊ उल्लंघन याची चर्चा करा. नुकसान भरपाई ठरविण्यासाठी असलेले नियम सांगा.

प्र.२   कराराचे स्वरूप, उद्दिष्ट आणि व्याप्ती संबंधित असलेल्या मुलभूत तत्त्वांची चर्चा करा. वैध करारासाठी आवश्यक असलेल्या बाबी नमूद करा.

प्र.३   भारतात 'कौटुंबिक न्यायालये' आणि 'लोक अदालत' या यंत्रणेचा पर्यायी विवाद निवारण यंत्रणेत असलेली भूमिका आणि कार्यपद्धती स्पष्ट करा.

प्र.४   लवाद आणि सामंजस्य कायदा, 1996 अंतर्गत पुरस्काराविरुद्ध अपिल करण्याच्या प्रक्रियेची चर्चा करा.

प्र.५   पुढीलपैकी **कुठल्याही दोनवर** टिपा लिहा.

अ) 'प्रतिफल नाही करार नाही' नियमाला असलेले अपवाद

ब) लवाद न्यायाधिकरणाची रचना

क) जबरदस्ती आणि अनावश्यक प्रभावातून प्राप्त केलेल्या संमंतीचा करारावर होणारा परिणाम

प्र.६   शून्य करार परिभाषित करा. भारतीय करार कायदा, १८७२ अंतर्गत शून्य करार नाम्यांची नोंद करा.

प्र.७   पुढील बाबींची चर्चा करा.

अ) आंतरराष्ट्रीय वस्तू विक्री संबंधित असलेल्या युनायटेड नेशनच्या अधिवेशनाची ठळक वैशिष्टये

ब) लवादच्या पुरस्कारांची अंतिमता आणि अंमलबजावणी

क) व्यावसायिक लवाद

****

7E6259A3BF750C93766A19910923DB4F