

DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD

P.G.DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION
2019 – 2020

Take Home - Annual Exams (August, 2020)

PAPER IV - 1.4. International Commercial Arbitration

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.*
- b) Only typewritten answers will be accepted.*
- c) Clearly indicate the question numbers while answering them.*
- d) Answer all the questions given below. Each question is for 25 Marks.*
- e) The word limit is mentioned to give an approximate idea about the length of the answer.*
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.*
- g) Do not consult other students as that has every chance of coming within the purview of plagiarism.*

Answer the following questions:

1. (a) It said that international commercial arbitration is a monopoly. Justify the statement with reasons. **(15 Marks, Word Limit: Approximately 300 Words)**

(b) Critically examine the doctrine of separability. **(10 Marks, Word Limit: Approximately 200 Words)**
2. Critically examine the different theories of international arbitration. **(25 Marks, Word Limit: Approximately 500-600 Words)**
3. What are the different laws that are relevant in an arbitration proceeding? What is the interplay of such laws with (a) ad hoc arbitration; and (b) institutional arbitration? **(25 Marks, Word Limit: Approximately 500-600 Words)**
4. A car manufacturer in Austria enters into a contract with an Indian party for the supply of diesel engines. The engines are defective, and the Indian party brings an arbitration claim against the Austrian party. In the meantime, the Austrian party starts dissipating assets. The seat of arbitration is England, and the applicable law is the CISG.

(a) Can the Indian party file for interim measures restraining the Austrian party from dissipating its assets? If yes, before which forum? **(10 Marks, Word Limit: Approximately 200 Words)**

(b) What will be the standards applied by such a forum when considering a request for interim measures? **(15 Marks, Word Limit: Approximately 300 Words)**