

- (c) when the parties have agreed to terminate arbitrator's authority  
 (d) all of the above.
84. **When the mandate of an arbitrator terminate**  
 (a) no other arbitrator shall be appointed  
 (b) a substituted arbitrator shall be appointed  
 (c) the matter shall be sent to the court  
 (d) the dispute shall remain undecided by the Arbitrators.
85. **The Arbitral Tribunal shall rule**  
 (a) at the direction of court  
 (b) on its own discretion  
 (c) at the instruction of parties  
 (d) as per provisions of General Clauses Act, 1897.
86. **The party applying for the enforcement of a foreign award shall, produce before the court**  
 (a) original award or a copy thereof authenticated by law of the country  
 (b) original agreement for arbitration or a duly certified copy thereof  
 (c) such evidence as may be necessary to prove that the award is a foreign award  
 (d) all of the above.
87. **The Arbitral Tribunal may**  
 (a) appoint one or more experts to report to it on specific issues to be determined by itself  
 (b) appoint only one expert to report to it on specific issues to be determined by the arbitral Tribunal  
 (c) appoint a Court Receiver to report specific issues  
 (d) may appoint Court Commissioners to report specific issues.
88. **Which is incorrect statement:**  
 (a) the arbitral tribunal is bound by Code of Civil Procedure, 1908  
 (b) the arbitral tribunal is bound by Indian Evidence Act, 1872  
 (c) both (a) and (b) are incorrect  
 (d) none of the above.
89. **The provision which provides for mutual settlement of dispute by parties before the arbitral tribunal is laid down under:**  
 (a) section 24  
 (b) section 30  
 (c) section 29  
 (d) section 27.
90. **The arbitral tribunal may by order terminate the arbitral proceedings when:**  
 (a) when parties have mutually agreed to seek termination of arbitral proceedings  
 (b) when the claimant withdraws his disputed case and which is not objected by the respondent  
 (c) when the arbitral Tribunal thinks it is impossible to continue proceedings  
 (d) all of the above.
91. **Where the challenge to the arbitrator is not successful**  
 (a) the arbitral Tribunal shall stay the proceedings giving opportunity to the party to take appropriate legal proceedings against the order  
 (b) the arbitral Tribunal shall continue the arbitral proceedings but shall not make an arbitral award till the disposal of proceedings, if any, initiated by the party challenging the arbitration against the said order  
 (c) the arbitral Tribunal shall continue the arbitral proceedings and make the award  
 (d) the arbitral Tribunal shall continue the proceedings only with the consent of the party who has challenged the arbitrator.
92. **The expression 'costs' under section 31 means reasonable costs relating to:**  
 (a) fees and expenses of the arbitrators  
 (b) administration fees of the institution supervising the arbitration  
 (c) only (a)  
 (d) both (a) and (b).
93. **Under section 32, the principle of *res judicata* is applicable in:**  
 (a) a case having reference to an arbitral Tribunal  
 (b) a suit in a court of law  
 (c) interim award made by the arbitral Tribunal  
 (d) only (a) and (b).
94. **The request for the correction or interpretation of the award by the arbitral Tribunal has to be made by the party:**  
 (a) within sixty days  
 (b) within thirty days  
 (c) within ninety days  
 (d) none of the above.
95. **Section 34 of 1996 Act is analogous to:**  
 (a) section 30 of 1940 Act  
 (b) section 28 of 1940 Act  
 (c) section 32 of 1940 Act  
 (d) none of the above.

96. The provision for setting aside the arbitral award is laid down under:
- section 32 of the Act
  - section 36 of the Act
  - section 34 of the Act
  - none of the above.
97. An arbitral award may be set aside by the court if:
- the arbitral award is in conflict with the public policy of India
  - the subject-matter of dispute is not capable of settlement by arbitration under the law for the time being in force
  - both (a) and (b) are incorrect
  - both (a) and (b) are correct.
98. An application for setting aside an arbitral award must be made by the party after receiving the award within:
- three months
  - thirty days
  - ninety days
  - forty days.
99. The delay in making an application for setting aside the arbitral award under section 34
- cannot be condoned
  - can be condoned for a maximum period of 30 days
  - can be condoned for a maximum period of 60 days
  - can be condoned for a maximum period of 90 days.
100. For condonation of delay in making an application for setting aside the arbitral award
- section 34 of the Act is complete in itself
  - section 5 of the Limitation Act, 1963 is applicable
  - both (a) and (b)
  - neither (a) nor (b).
101. Delay in making an application for setting aside the arbitral award
- can be condoned under section 5 of Limitation Act
  - cannot be condoned by invoking section 5 of Limitation Act
  - may be condoned under section 5 of Limitation Act as per discretion of the court
  - only (a) and not (b) or (c).
102. Which of the following is incorrect statement
- the effect of award being set aside is no longer enforceable by law
  - the setting aside of an award acts as a bar to subsequent arbitral proceeding on the same dispute
  - the setting aside of an arbitral award invalidates the arbitral agreement
  - none of the above
103. Under section 34, misconduct in proceeding means:
- proceeding *ex parte* without sufficient cause
  - improper rejection of evidence
  - both (a) and (b)
  - only (a).
104. 'Personal misconduct' connotes:
- bias
  - bribery
  - having interest in the subject-matter of reference
  - all of the above.
105. Which is incorrect statement:
- an award of an arbitral tribunal can be set aside partly.
  - the arbitral tribunal may by order terminate the arbitral proceedings
  - an arbitral award shall be made in writing and shall be signed by the members of the arbitral tribunal
  - none of the above.
106. Right of action which is extinguished by the death of a person includes:
- suit for damages for wrongful arrest
  - suit for specific performance of contract
  - right of damages for defamation
  - only (a) and (c).
107. Section 39 deals with:
- costs of arbitration
  - fees for the arbitrators
  - unpaid costs of arbitration
  - none of the above.
108. Which of the following is incorrect statement:
- Revision application is not maintainable against appellate order,
  - the orders of arbitral tribunals are appealable
  - any right to appeal to the Supreme Court is not prohibited
  - none of the above.
109. Section 38 deals with:
- unpaid costs of arbitration
  - fixation of the costs of an arbitration
  - both (a) and (b)
  - none of the above.

- 110. Section 41 deals with:**
- provision in case of insolvency
  - provision in case of death
  - provision in case of minor
  - none of the above.
- 111. Section 43 deals with:**
- jurisdiction
  - limitation
  - finality of arbitral award
  - none of the above.
- 112. The expression 'foreign award' is defined under:**
- section 41
  - section 42
  - section 44
  - section 40.
- 113. 'Foreign award' implies:**
- where one of the parties is foreign national
  - where the award is made in foreign country
  - where subject-matter deals with international trade
  - all of the above.
- 114. Which of the following is incorrect statement:**
- The New York Convention shall apply to the arbitral awards made in state where their recognition and enforcement is sought
  - The New York Convention shall apply to arbitral awards not considered as 'domestic awards' where their recognition and enforcement is sought
  - both (a) and (b)
  - none of the above.
- 115. 'Foreign award' under section 44 means:**
- that the award must have been made on or after 11th day of October 1960.
  - that the award must have been made after 28th day of July 1924
  - that the award must have been made on or after 12th day of December 1971
  - none of the above.
- 116. The enforcement of a foreign award may be refused if:**
- the party against whom the award is invoked was not given proper notice of the appointment of the arbitrator
  - enforcement of the award would be contrary to the public policy of India
  - none of the above
  - both (a) and (b).
- 117. Section 48 lays down the provision for:**
- foreign award
  - power of judicial authority to refer parties to arbitration
  - binding effect of foreign award
  - conditions for enforcement of foreign awards.
- 118. Under section 48, 'contrary to public policy of India' connotes:**
- interests of India
  - justice or morality
  - fundamental policy of Indian Law
  - all of the above.
- 119. Section 53 has limited application because:**
- it applies to the jurisdiction of different parties to the New York Convention
  - it applies to the jurisdiction of different parties to the Geneva Convention
  - it applies to the jurisdiction of domestic land
  - none of the above.
- 120. Section 53 talks about the arbitration agreement:**
- in general
  - in specific
  - in simplicitor
  - none of the above.
- 121. Part II of the Act deals with:**
- New York Convention awards
  - Geneva Conventions
  - Conciliation
  - both (a) and (b).
- 122. Part III of the Act deals with:**
- Geneva Conventions
  - Conciliation
  - UNCITRAL
  - New York Convention awards
- 123. Part I of the Act deals with:**
- Domestic Arbitration
  - New York Convention awards
  - UNCITRAL
  - none of the above.
- 124. Section 61 is in pattern of:**
- UNCITRAL Conciliation Rules
  - Arbitration (Protocol and Convention) Act, 1937
  - Geneva Convention
  - none of the above.
- 125. Which of the following is incorrect statement:**
- like arbitration, conciliation is also another means of setting disputes

- (b) like arbitration, prior agreement in writing is required in conciliation
- (c) like arbitration, third person is chosen by the parties to resolve the disputes
- (d) none of the above.
126. Conciliation proceedings are incorporated under:
- (a) section 61 to 81 of Part III of the Act
- (b) section 60 to 81 of Part III of the Act
- (c) section 59 to 86 of Part III of the Act
- (d) none of the above.
127. Part III of the Act, shows the importance of:
- (a) voluntary conciliation
- (b) involuntary conciliation
- (c) directive conciliation
- (d) none of the above.
128. Which of the following is incorrect statement:
- (a) conciliation is a process where one party of dispute initiates and other party assents to adopt.
- (b) conciliation is a method of settlement.
- (c) conciliation applies to contractual dispute only
- (d) none of the above.
129. Which one of the following is incorrect statement:
- (a) conciliation means settling of disputes without litigation
- (b) the conciliators do not engage in any formal hearing
- (c) the party comes to settlement only when the award is made by the conciliator
- (d) none of the above.
130. The conciliation proceedings:
- (a) can be used as evidence in any judicial proceedings
- (b) can be used as evidence only in the arbitral proceedings
- (c) can be used as evidence only on the discretion of the judge or arbitrator
- (d) cannot be used as evidence in any arbitral or judicial proceedings.
131. Conciliation law is adopted on the pattern of:
- (a) ICADR Rules, 1996
- (b) Arbitration (Protocol and Convention) Act, 1937
- (c) UNCITRAL Rules, 1980
- (d) none of the above.
132. Conciliation proceedings:
- (a) cannot be terminated later
- (b) can be terminated only by judge of High Court
- (c) can be terminated by a written declaration by a party to the other party
- (d) both (b) and (c).
133. Conciliation proceedings shall commence:
- (a) when both the parties comes to a written agreement
- (b) when written invitation to conciliation is made to the other party
- (c) when both the parties agree for conciliation mutually
- (d) none of the above.
134. In Conciliation:
- (a) the parties come to settlement after the award of the conciliator
- (b) the parties come to a settlement without making of any award by the conciliator
- (c) the parties come to any settlement only after the agreement of settlement or conciliation is signed in front of the conciliator
- (d) all of the above.
135. The power and functions of the conciliator has been laid down under:
- (a) section 64
- (b) section 62
- (c) section 67
- (d) section 63.
136. The provisions for the appointment of the conciliator is laid down under:
- (a) section 64
- (b) section 67
- (c) section 62
- (d) section 61.
137. Section 64, which provides for the procedure for the appointment of the conciliator is enacted on the basis of:
- (a) Article 2 of UNCITRAL Conciliation Rules
- (b) Article 4 of UNCITRAL Conciliation Rules
- (c) Article 3 of UNCITRAL Conciliation Rules
- (d) none of the above.
138. Which of the following is incorrect statement:
- (a) the conciliator shall assist the parties in an independent and impartial manner
- (b) the conciliator can make proposals for settlement but it has to be accompanied by the statement of reasons
- (c) the conciliator shall be guided by principle of objectivity, fairness and justice
- (d) none of the above.
139. The conciliator is required to be bound by:
- (a) principles of natural justice
- (b) Code of Criminal Procedure, 1973

- (c) Code of Civil Procedure, 1908  
(d) both (a) and (c).
- 140. The conciliation proceedings shall be terminated:**
- by signing of the settlement agreement by the parties, on the date of agreement
  - by written declaration of the parties and the conciliator to terminate the conciliation proceedings on the date of declaration
  - by written declaration of the parties addressed to the conciliator to the effect that conciliation proceedings are terminated, on the date of declaration
  - all of the above.
- 141. Termination of conciliation proceedings are laid down under:**
- section 76
  - section 74
  - section 73
  - section 75.
- 142. Section 73 lays down the provisions for:**
- costs
  - termination of conciliation proceedings
  - confidentiality
  - settlement agreement.
- 143. After the settlement agreement is reached between the parties to conciliation:**
- the conciliator makes an award stating the reasons thereof
  - the conciliator shall authenticate the settlement agreement and furnish a copy thereof
  - the conciliator shall refer the matter to the tribunal
  - none of the above
- 144. Section 81 of the Act lays down the provision for:**
- admissibility of evidence in other proceedings
  - role of conciliator in other proceedings
  - power of the High Court to make rules
  - none of the above.
- 145. The evidence which is inadmissible under section 81 is:**
- admissions made by other party in the course of the conciliation proceedings
  - proposals made by the conciliator
  - views expressed by the conciliator in course of conciliation proceedings
  - all of the above.
- 146. Section 63 deals with:**
- number of conciliators
  - appointment of conciliators
  - role of conciliators
  - none of the above.
- 147. The term 'fairness' embodies:**
- the concept of justice
  - the concept of equality
  - the concept of unbiasedness
  - none of the above.
- 148. Part IV of the Act deals with:**
- Geneva Conventions
  - Costs and Expenses
  - Supplementary Provisions
  - none of the above.
- 149. The 'Principle of Confidentiality' is laid down under:**
- section 76
  - section 73
  - section 75
  - section 74.
- 150. The 'Principle of Co-operation' is laid down under:**
- section 71
  - section 70
  - section 69
  - none of the above
- 151. Under section 41, where a party cannot represent himself due to insolvency, he shall be represented by:**
- Official Assignee
  - Arbitrator himself
  - Receiver
  - both (a) and (c)
- 152. Which of the following is incorrect statement:**
- under section 40, the arbitration agreement shall not be discharged by death of the party
  - under section 40, where the death occurs during the course of the arbitral proceedings, all the legal representatives are bound by the award
  - under section 40, the legal representatives are bound by the award if death occurs during the course of proceedings, but after the death a new arbitrator has to be appointed
  - none of the above.
- 153. Section 30 of the Act lays down the provision for:**
- mutual settlement of disputes by parties before the arbitral Tribunal

- (b) form and content of the interim award  
 (c) termination of the proceedings of an arbitral Tribunal  
 (d) correction and interpretation of an arbitral Tribunal.
154. A written arbitration agreement is authentic if it is contained in:
- a document signed by the parties
  - an exchange of letters, telex, telegrams or other means of telecommunication which provide a record of the agreement
  - an exchange of statements of claim and defence in which the existence of the agreement is alleged by one party and not denied by the other
  - All the options are correct.
155. For the purpose of section 5 of the Arbitration and Conciliation Act, 1996, which among the following statements are true:
- No Judicial authority shall intervene except where so provided in the Act
  - Judicial authority shall intervene
  - Judicial authority shall intervene if Chief Justice of India intends so
  - None of above.
156. The mandate of an arbitrator shall terminate if:
- he becomes *de jure* or *de facto* unable to perform his functions or for other reasons fails to act without undue delay
  - he withdraws from his office or the parties agree to the termination of his mandate
  - both (a) and (b) are correct
  - only (b) is correct.
157. The Arbitral Tribunal shall issue an order for termination of the arbitral proceedings where:
- claimant withdraws his claim, unless the respondent objects to the order and the arbitral Tribunal recognises a legitimate interest on his part in obtaining a final settlement of the dispute
  - the parties agree on the termination of the proceedings
  - arbitral Tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible
  - All the above.
158. An appeal shall lie from which of the following orders to the court authorised by law to hear appeals from original decrees of the court passing the order:
- granting or refusing to grant any measure under section 9
  - setting aside or refusing to set aside on arbitral award under section 34
  - only (a) is correct
  - both (a) and (b) are correct.
159. The party applying for the enforcement of a foreign award shall, at any time of the application, produce before the court—
- the original award or a copy thereof, duly authenticated in the manner required by law of the country in which it was made
  - the original agreement for arbitration or a duly certified copy thereof
  - such evidence as may be necessary to prove that the award is a foreign award
  - All the above.
160. The party applying for the enforcement of a foreign award shall, at the time of application, produce before the court
- the original award or a copy thereof duly authenticated in the manner required by law of country in which it was made
  - evidence proving that the award has become final
  - such evidence as may be necessary to prove that the conditions under section 57(1)(a) and (c) are satisfied
  - All the above.
161. The Arbitrator in respect of escalation cost
- has jurisdiction to proceed inherently
  - has no jurisdiction to proceed inherently
  - has to proceed only within scope of Contract Act
  - has to proceed only within scope of Specific Relief Act.
162. Bar of non-registration of Firm under section 69 of Partnership Act, does not affect maintainability of petition under
- section 5 of Arbitration and Conciliation Act
  - section 9 of Arbitration and Conciliation Act
  - section 10 of Arbitration and Conciliation Act
  - section 16 of Arbitration and Conciliation Act.
163. If one party is Indian Company and another is American company and the dispute arises out of legal relationship under contract entered between them, then such dispute falls

- (a) under International Commercial Arbitration within the meaning of section 2(f) of Arbitration and Conciliation Act, 1996
- (b) under general arbitration within the meaning of section 2(a) of Arbitration Act, 1940
- (c) under section 3(b) of Civil Procedure Code, 1908
- (d) under section 5(b) of General Clauses Act, 1897.

**164. Inability of lawyer to attend arbitral sitting due to illness is ground**

- (a) for setting aside the award
- (b) for adjournment
- (c) for sending the case to court
- (d) for reappointment the arbitrator.

**165. Inability of counsel to appear due to illness before arbitrator is a ground covered**

- (a) under section 30 of Arbitration Act, 1940
- (b) under section 34(2) of Arbitration and Conciliation Act, 1996
- (c) under section 30 of the Limitation Act, 1963
- (d) under section 31 of Arbitration and Conciliation Act, 1996.

**166. Before the enactment of Arbitration and Conciliation Act, 1996 which Act has been applicable in India for arbitration procedure**

- (a) The Arbitration Act, 1940
- (b) The Code of Civil Procedure, 1908
- (c) The General Clauses Act, 1897
- (d) none of the above.

## ANSWERS\*

### The Arbitration and Conciliation Act, 1996

1. (c)	35. (d)	68. (a)	101. (b)	134. (b)
2. (d)	36. (a)	69. (b)	102. (c)	135. (c)
3. (a)	37. (d)	70. (d)	103. (c)	136. (a)
4. (c)	38. (c)	71. (c)	104. (d)	137. (b)
5. (a)	39. (a)	72. (c)	105. (a)	138. (b)
6. (a)	40. (b)	73. (a)	106. (d)	139. (a)
7. (c)	41. (c)	74. (d)	107. (c)	140. (d)
8. (a)	42. (b)	75. (d)	108. (d)	141. (a)
9. (b)	43. (c)	76. (b)	109. (b)	142. (d)
10. (c)	44. (e)	77. (b)	110. (a)	143. (b)
11. (d)	45. (b)	78. (b)	111. (b)	144. (a)
12. (d)	46. (c)	79. (d)	112. (c)	145. (d)
13. (b)	47. (b)	80. (d)	113. (d)	146. (a)
14. (a)	48. (d)	81. (b)	114. (c)	147. (b)
15. (b)	49. (b)	82. (d)	115. (a)	148. (c)
16. (c)	50. (a)	83. (d)	116. (d)	149. (c)
17. (d)	51. (b)	84. (b)	117. (d)	150. (a)
18. (c)	52. (d)	85. (b)	118. (d)	151. (d)
19. (c)	53. (b)	86. (d)	119. (b)	152. (c)
20. (d)	54. (b)	87. (a)	120. (c)	153. (a)
21. (a)	55. (c)	88. (c)	121. (d)	154. (d)
22. (d)	56. (a)	89. (b)	122. (b)	155. (a)
23. (b)	57. (b)	90. (d)	123. (a)	156. (c)
24. (b)	58. (a)	91. (c)	124. (a)	157. (d)
25. (d)	59. (a)	92. (d)	125. (b)	158. (d)
26. (d)	60. (a)	93. (d)	126. (a)	159. (d)
27. (b)	61. (d)	94. (b)	127. (a)	160. (d)
28. (c)	62. (d)	95. (a)	128. (c)	161. (a)
29. (b)	63. (d)	96. (c)	129. (c)	162. (b)
30. (a)	64. (b)	97. (d)	130. (d)	163. (a)
31. (a)	65. (c)	98. (a)	131. (c)	164. (a)
32. (c)	66. (b)	99. (b)	132. (b)	165. (b)
33. (c)	67. (d)	100. (a)	133. (b)	166. (a)



\* The answers are suggestive. Kindly verify from the basic documents, judgments, gazette notifications or recommended text books in case of doubts.