

# **LL.M SEMESTER- I**

## **Regular offline examination**

### **Question Bank**

**Course - FYLLM (Sem- I) Group-II**

**Subject- Fundamental principles of Law of Contract and Allied Laws**

### **Subjective Questions**

1. State the circumstances under which the Chief Justice is empowered to appoint an arbitrator. Discuss the process for disqualification/ Removal of Arbitrators.
2. Discuss the conduct of arbitral proceeding for making of arbitral award.  
Lay down the finality and enforcement of arbitral award.
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.
4. Explain the concept of “Laissez 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?

5. State the grounds and effect of doctrine of frustration. Elaborately discuss the doctrine of restitution under the law of contract.

6. Briefly discuss the nature, object and scope of fundamental principles of contract. Enumerate the essentials of a valid contract.

7. Define and discuss “Foreign Awards, and its relevance in New York Convention. State the conditions under which the recognition and enforcement of the foreign awards can be refused.

8. Explain the concepts of “Lok Adalat” as a machinery for alternative Dispute redressal mechanism.

9. State doctrine of insurable interest. Elaborately discuss the doctrine of insurable interest under the law of contract.

11. Define and discuss contains of “Arbitral Awards.

13. Analyze the theory of “Unjust Enrichment” with reference to the doctrine of “restitution”.

14. Explain the nature of “quasi contractual obligations” under the English law and “certain relation resembling those created by contract” under the Indian law.

14. Trace the predominant role of the UNCITRAL Model Bye law and the Rules in enactment and interpretation of the Arbitration and Conciliation Act of 1996. Enumerate and discuss on the objectives of the Act

15. State the internationally accepted modes of alternative dispute resolution. Discuss on Commercial Arbitration. State the impact of conciliation and mediation in resolving disputes
16. “A contract is agreement enforceable by law”. Examine and critically evaluate this Statement by elaborately discussing the essentials of a valid contract.
17. Briefly discuss the nature and multi dimensional scope of foundation theories of law of contract.
18. Discuss standard form of contract. Is standard form of contracts binding in nature? With relevant examples.
19. Discuss the remedies available to aggrieved parties on breach of contract.
20. Sanctity of contracts is good public policy
21. Explain in brief inquisitorial and adversarial system of justice
22. What is arbitration agreement ? Bring out the differences between an arbitration agreement and an arbitration clause
23. Explain the process of appointment of an arbitrator. The need for finding alternatives arises due to the working of the present system of administration of justice’ – Bring out the defects in the present system of administration of justice
24. Describe briefly the powers and duties of a conciliation officer
25. Explain the different approaches to negotiation
26. What is mediation ? Narrate the qualities of a mediator.

27. Explain modes and models of mediation
28. "Discuss the rule that a Stranger to a Contract cannot sue on the contract |  
and the exceptions to that rule"
29. "What is meant by Anticipatory Breach of Contract ? Briefly state and explain the provisions of the Indian Contract Act dealing with Anticipatory Breach of Contract. Support your answer with suitable case laws
30. "'To form a valid contract, there must be a meeting of minds of the parties.'" |  
Explain"
31. What is an agreement and what constitutes an agreement?
32. What are the key differences between agreements and contracts?
33. What are different types of contracts?
34. What do objectivity and subjectivity mean as a test in contracts?
35. How does intention to enter into a contract apply to family and social matters?
36. Explain the concept of free consent with relevant case laws.
37. State exceptions to the rule "No Consideration no Contract"
38. Discuss in detail Powers, function and duties of arbitral Tribunal.
39. Analyze in detail applicable rules in relation to international arbitration proceeding.
40. Discuss in detail the provisions under the arbitration Act 1996 in relating to appointment, power, role and function of conciliator.

## Short Questions

1. Define term Arbitration.
2. Explain in brief Limitations on Sanctity of contract.
3. Define term Arbitral Award.
4. Write a note on Recourse against arbitral award.
5. Distinction between Arbitration Act, 1940 and Arbitration and Conciliation Act, 1996.
6. Briefly discuss Jurisdiction and conduct of Arbitral Proceedings.
7. Write a note on Arbitration Agreement and Arbitration clause in the Agreement.
8. Briefly discuss Composition and conduct of Arbitral Tribunal.
9. Write a note Conciliation and commercial Arbitration.
10. Write a note on Finality and Enforcement of Arbitral Awards.
11. State in brief Qualifications for being Arbitrator.
12. Define term International Commercial Arbitration
13. State the ground for Disqualification/ Removal of Arbitrators
14. Briefly narrate Contents of arbitration agreement
15. Comment on Freedom of contract
16. Discuss the effect of agreement with minor
17. Explain the concept of fraud
18. Define the term undue influence
19. What is invitation to Offer?
20. What are essential of valid acceptance?

21. Distinguish between offers and counter offer.
22. Examine ground for appeal against arbitral award
23. Examine principal natural Justice in arbitral proceeding
24. Discuss in brief doctrine of waiver
25. When Arbitral proceeding commences.
26. Explain lien on arbitral award
27. Explain agreement in restraint of trade
28. Define word agreement
29. Explain provisional acceptance
30. Define interim arbitral award
31. Define reciprocal contract
32. Explain the consent by mis representation
33. Examine effects the death of the party during arbitral proceeding
34. Analyze agreement in restraint of marriage
35. Examine in brief contingent contract
36. Distinguish between Wagering contract and contingent contract
37. When time is an essence of contract?
38. Briefly explain promissory estoppels.
39. Define term legal representative under law of arbitration
40. Which language can be used in arbitral proceeding.

