

Total number of printed pages—4

19 (III) ADR 3·5

2019

ALTERNATE DISPUTE RESOLUTION

Paper : 3·5

Full Marks : 60

Time : Two hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answers :
1×5=5
 - (a) Alternate Dispute Resolution tries to achieve the Directive Principles of State Policy relating to Equal justice and Free Legal Aid as laid down under Article _____ of the Constitution.
[39 / 39-A]
 - (b) The Legal Services Authorities Act, 1987 brought about the establishment of _____ for settlement of disputes cheaply and expeditiously and also in the spirit of compromise by give and take formula. [Lok Adalat System / ADR System]

Contd.

(c) Section 30 of the Arbitration and Conciliation Act, 1996 encourages arbitrators, with the agreement of the parties, to use mediation, conciliation or other procedures at any time during the arbitration proceedings to encourage settlement _____.

[30 / 32-A]

(d) The Limitation Act, 1963 (36 of 1963) _____ apply to arbitrations as it applies to proceedings in court.

[shall not /shall]

(e) Under section 10, Arbitration and Conciliation Act, 1996, the parties are free to determine the number of arbitrators, provided that such number _____ [does not exceed three / is not an even number]

2. Write short answers : $2 \times 5 = 10$

(a) Appointment of Arbitrator.

(b) What is Mediation ?

(c) What do you mean by 'Pure Legal Process' ?

(d) ADR provision under the relevant provisions of the Indian Contract Act, 1872.

(e) ADR provisions under Art. 298 and Art. 299 of the Constitution of India.

3. Explain the significance of the UNCITRAL Model Law, 1985 in the growth and development of the international commercial arbitration. 15

Or

Discuss the procedure for conduct of arbitral proceeding.

What are the powers of an arbitral tribunal to proceed *ex parte* ? Answer with the help of a case law. 6+9=15

4. Discuss the salient features of the New York Convention and Geneva Convention Awards. 8+7=15

Or

What are the various modes of Alternative Dispute Resolutions (ADR)? Distinguish between an 'arbitral award' and 'international arbitral award'. 7+8=15

5. Discuss the organization, powers and cognizance of the Lok Adalats established under the Legal Services Authorities Act, 1987. Explain the advantages and disadvantages of Lok Adalats. 10+5=15

Or

Briefly outline the evolution of Lok Adalats in India. What is their jurisdiction under Legal Services Authorities Act, 1986? How Permanent Lok Adalats are different from ordinary and ad hoc Lok Adalats?

8+3+4=15

Total number of printed pages-3

19 (III) ADR

2018

ALTERNATE DISPUTE RESOLUTION

Paper : 3.5 (P.1)

Full Marks : 60

Time : Two hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answer :
1×5=5
 - (a) Alternative Dispute Resolution in India was founded on the Constitutional basis of Articles ——— and 21 of the Constitution of India. [19/14]
 - (b) Article ——— of the Constitution of India authorises the government to enter into an arbitration agreement. [239/299]
 - (c) The present Arbitration and Conciliation Act of 1996 is based on ———. [guidelines of Supreme Court of India in the case of S. Finace Ltd. vs N.E.P.C. India Ltd. /UNCITRAL, 1985]

Contd.

(d) An arbitral award ———. [must be connected with the subject-matter of the dispute arbitrated/ must be founded on principle of trust]

(e) An arbitral award made under Part 1 of the Arbitration and Conciliation Act, 1996 shall be considered as a ———. [domestic award/ international award]

2. Write short answers : 2×5=10

(a) Importance of ADR

(b) Domestic Award

(c) Distinguish between Arbitration and Conciliation

(d) Lok Adalat

(e) Fast Track Arbitration.

3. (a) Discuss the salient features of the New York Convention & Geneva Convention Awards.

(b) Distinguish between 'international arbitral award' and 'domestic arbitral award'. 7+8=15

Or

Discuss the salient features of UNCITRAL Rules, 1985. 15

4. Discuss the ADR techniques in Family Disputes with special reference to section 23(2) of the Hindu Marriage Act, 1955. 15

Or

What are the various modes of Alternative Dispute Resolutions (ADR) ? 15

5. 'The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987.' Elucidate and critically examine the statement. 15

Or

(a) Critically examine the provisions in section 89 of the Code of Civil Procedure, 1908.

(b) Discuss the ADR provision in under the Indian Contract Act, 1872. 8+7=15

2017

ALTERNATE DISPUTE RESOLUTION

Paper : 3-5 [P.1]

Full Marks : 60

Time : Two hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answer :
1×5=5
 - a) The _____ undertook a comprehensive review of the working of the court system, particularly all aspects of arrears and Law's delay and made various useful recommendations for reducing litigation and making justice readily accessible to the people at the minimum cost of time and money. [Malimath Committee / Law Commission of India]

Contd.

b) ADR or "Alternative Dispute Resolution" is an attempt to devise _____ which should be capable of providing an alternative to the conventional methods of resolving disputes. [machinery / settlement]

c) It was an attempt made by the legislators and judiciary alike to achieve the _____ of achieving Complete Justice. [Constitutional goal / End]

d) The Acts which deal with Alternative Dispute Resolution are _____ and the Legal Services Authorities Act, 1987. [Civil Procedure Code, 1908 / Arbitration and Conciliation Act, 1996]

e) To _____ is the main purpose of the Arbitration and Conciliation Act, 1996. [comprehensively cover international and commercial arbitration and also conciliation as also domestic arbitration and conciliation / cover only domestic arbitration and conciliation]

2. Write short notes on : $2 \times 5 = 10$

a) Need of ADR

b) Domestic Award

c) Distinguish between Negotiation and Conciliation

d) Lok Adalat

e) Mediation.

3. (a) Briefly discuss the need and salient features of the New York Convention & Geneva Convention Awards.

(b) Define 'arbitral award'. Is it different from 'international arbitral award'?
How? $10+5=15$

Or

(a) What are the various modes of Alternative Dispute Resolutions (ADR)?

(b) Briefly discuss the UNCITRAL Law and Fast Track Arbitration. $8+7=15$

4. Discuss the provisions in the Arbitration and Conciliation Act for the 'Appointment of Arbitrators'. To what extent the appointment of Arbitrators can be challenged and what are the provisions for termination of his mandate? $8+7=15$

Or

Discuss the power of the arbitrator to rule on his own jurisdiction under section 16 of Arbitration and Conciliation Act, 1996. What are the grounds on which a challenge may be made to an arbitral award? 7+8=15

5. 'The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987. Section 89 of the Civil Procedure Code, 1908 makes it possible for Arbitration proceedings to take place in accordance with the Acts stated above.' Elucidate the statement. 15

Or

- (a) Discuss the salient features of the Legal Services Authorities Act, 1987.
- (b) Briefly discuss the ADR provision under the Hindu Marriage Act, 1955.

8+7=15

Total number of printed pages-4

19 (Sem-III) ADR 3-5

2016

ALTERNATE DISPUTE RESOLUTION

Paper : 3-5 P1

Full Marks : 60

Time : Two hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answer :
5×1=5

(1) 'Court' under the Legal Services Authorities Act, 1987 means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or _____ functions. [quasi-judicial/ executive]

Contd.

(2) 'Legal service' includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or _____ and the giving of advice on any legal matter. [tribunal/executive/government]

(3) 'Supreme Court Legal Services Committee' means the Supreme Court Legal Services Committee constituted under section _____ of the Legal Services Authorities Act, 1987. [3A/3/4(i)]

(4) Section 195 of Criminal Procedure Code, 1973, is _____ in nature. [an exception/optional/mandatory]

(5) For the purpose of international commercial arbitration, 'Court' has been defined to mean only _____ of competent jurisdiction. [Supreme Court/High Court/International Court of Justice]

2. Write short answer :

5×2=10

a) Conciliation

b) What is 'Pure Legal Process'?

c) Coercion

d) Continuing guarantee

e) Undue influence

3. 'Since its establishment, UNCITRAL has been recognized as the core legal body of the United Nations system in the field of international trade law'. Elucidate the statement and briefly explain the meaning of UNCITRAL and what it does?

6+6+3=15

Or

What is the meaning of UNCITRAL? What is the role and structure of the United Nations?

4+6+5=15

4. What is an 'ad hoc arbitration'? Discuss the conduct of Arbitral proceedings.

5+10=15

Or

Distinguish between Mediation and Arbitration with their powers, functions and advantages.

5+5+5=15

5. 'Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties within the meaning of Section 23(2) in the Hindu Marriage Act, 1955.'

Elucidate and discuss the statement with reference to the procedure and application of section 23(2) of the Hindu Marriage Act, 1955. 4+6+5=15

Or

'To the poor the courts are a maze. If he pleads there all his life, Law is so lordly, And loath to end his case. Without money paid in the presents, Law listeneth to few.' — Pier's Plowman.

In the light of the above statement discuss the nature and scope of Lok Adalat within the relevant provisions of the Legal Services Authorities Act, 1987.

15

Total number of printed pages-3

19 (3-III) ADR 3-5

2015

ALTERNATE DISPUTE RESOLUTION

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answer :
8×1=8
- (A) The Arbitration and Conciliation Act was passed in _____. (1945/1996)
- (B) Arbitral award includes _____ award. (final/interim)
- (C) Arbitration agreement is provided by Section _____. [2(1) (b)/2(1) (a)]
- (D) Arbitration award is _____. (final/subject to appeal)
- (E) The member of arbitration in arbitral tribunal shall be _____. (even/uneven)

Contd.

(F) Arbitration starts with arbitration agreement. (true/false)

(G) In _____ the United Nations Commission on International Trade Law has adopted the UNCITRAL Model Law on International Commercial Arbitration. (1985/1996)

(H) The principle of natural justice is incorporated in arbitral proceeding. (true/false)

2. Answer the following : $2 \times 6 = 12$

(A) What is contractual arbitration?

(B) What do you mean by mediation?

(C) Define arbitral award.

(D) What is Lok-Adalat?

(E) What do you mean by negotiation?

(F) Mention the main provisions of the Legal Services Authorities Act, 1987.

3. Discuss about the historical backgrounds of the Arbitration and Conciliations Act. 10

4. What is arbitration? Discuss about the advantages and disadvantages of arbitration. $2+8=10$

5. Define arbitration agreement. Discuss about the main requirement of valid arbitrations agreement. $2+8=10$

6. Discuss about the ADR provisions under C.P.C. Hindu Marriage Act, 1955. $2+8=10$

7. Discuss about the main provisions of the Indian Constitution relating to A.D.R. 10

8. Point out the salient features of the Arbitration and Conciliation Act., 1996. 10

2014

ALTERNATE DISPUTE RESOLUTION

Paper : 3.5

Full Marks : 60

Time : 2 hours

*The figures in the margin indicate full marks
for the questions*

Answer Question Nos. 1 and 2 and *any four*
from the rest

1. Write True or False of the following : 1×6=6

- (a) The Arbitration Act was enacted in 1940.
- (b) The primary goal of ADR is the resolution of disputes without litigation.
- (c) Arbitral award does not include an interim award.
- (d) Arbitration agreement must be signed by the parties.
- (e) The number of Arbitrators shall not be even number.
- (f) The Arbitral Tribunal is not bound by the Code of Civil Procedure.

2. Write short notes on the following : 2×3=6
- (a) Arbitral Award
 - (b) Legal Representative
 - (c) International Commercial Arbitration

Answer *any four* questions : 12×4=48

3. Discuss in detail various modes of Alternative Dispute Resolutions (ADR). 12
4. What are the essentials of an arbitration agreement? Discuss the power of the arbitrator to rule on his own jurisdiction under Section 16 of the Arbitration and Conciliation Act, 1996. 12
5. Discuss the recent development of ADR. 12
6. What is Arbitration Tribunal? Discuss the provisions relating to jurisdiction and powers of Arbitration Tribunal. 12
7. Discuss in detail the ADR Provision under the Indian Contract Act, 1872. 12

OR

8. Write short notes on the following : 4×3=12
- (a) Arbitration
 - (b) Essentials of arbitration
 - (c) Award
